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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Tobacco 603 (Flue-cured) Sup. 1, Part I]

PART 727¹—FLUE-CURED TOBACCO

SUBPART E—1942

Amendment to Marketing Quota Regulations

The Marketing Quota Regulations, Flue-cured Tobacco, 1942-43 Marketing Year—Part I, "Procedure for the Determination of Acreage Allotments for 1942," is hereby amended by adding at the end thereof the following new section:

§ 727.423 *Increase of allotments.* Farm acreage allotments established for old farms as provided in §§ 727.411 through 727.422 of this procedure shall be increased 10 percent. For the purposes of this section, the amount of the increase calculated for any farm having an allotment of five-tenths acre or less shall be rounded upward to one-tenth acre.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Flue-cured Tobacco, 1942-43 Marketing Year, designated Tobacco-603 (Flue-cured), Part I, issued by the Secretary on November 12, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 10th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-273; Filed, January 10, 1942;
11:21 a. m.]

¹ 6 F.R. 5745.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLIST- MENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS¹

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

(c) (1) Corps area commanders are authorized to enlist specialists in the Enlisted Reserve Corps for assignment to inactive affiliated units located within their corps areas, when such enlistments are requested by commanding officers to fill existing vacancies in affiliated organizations scheduled for active service within six months.

(2) Six months after enlistment in the Enlisted Reserve Corps, the enlisted reservist will be eligible for call to active service and assignment to the arm or service for which enlisted, provided that he had not been placed on active service through activation of the affiliated unit. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423-427) [Cir. 204, W.D., Sept. 30, 1941, and letter AGO dated Jan. 6, 1942, AG 341 (12-24-41) RP-A]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-265; Filed, January 10, 1942;
9:26 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 285—RULES OF PRACTICE

[Amendment No. 4 of Part 285 of the Economic Regulations]

PROCEDURE IN MAIL RATE PROCEEDINGS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 8th day of January 1942.

¹ 6 F.R. 5165.

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The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a), 406 and 1001 thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective January 8, 1942, Part 285 of the Economic Regulations¹ is amended by adding thereto § 285.11 [Rule 11] to read as follows:

§ 285.11 *Procedure in mail rate proceedings.* (a) Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier or the Postmaster General, or upon the issuance of an order by the Board.

(b) (1) Proceedings commenced by the Board will normally be instituted by the issuance of an order directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(2) In proceedings instituted upon petition of a carrier or the Postmaster General the Board, before proceeding further with the disposition of the petition, will normally issue an order in the proceeding directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(3) The rate or rates specified in any order provided for in paragraphs (b) (1) and (b) (2) of this Rule will represent a tentative rate or rates which appear to the Board to be fair and reasonable on the basis of the monthly and annual reports made by the carrier to the Board, and other information available to the Board. Such order will be

accompanied by an exhibit or exhibits setting forth the basis upon which the tentative rate or rates have been formulated, and such exhibits shall be a part of such order.

(4) Orders issued hereunder will be served upon the carrier concerned, and any other parties to the proceeding, and public notice thereof will be given. Copies of such orders will be transmitted to the Postmaster General.

(c) (1) After the issuance of an order of the Board pursuant to paragraph (b) of this Rule, any party having objections to the tentative rate or rates specified in such order or to the admissibility in evidence of the exhibits accompanying such order and information specified therein shall file with the Board, within such periods of time as may be prescribed in such order:

(i) Notice of the fact that such objections exist; and

(ii) After the notice provided for in subdivision (i) of this paragraph has been filed, a written answer setting out the objections of the party to the tentative rate or rates.

(2) The objections stated in the answer shall be specific, and the answer shall be accompanied by exhibits in support of the objections and by a statement of the effect of such objections upon the tentative rate or rates.

(d) (1) If no notice, or if after notice no answer, is filed as provided in paragraph (c) of this Rule within the periods of time prescribed in the order, the proceeding will be assigned for public hearing. The statutory public hearing thus assigned will be expected to require nothing more than the introduction in evidence of the exhibits provided for in paragraph (b) (3) of this Rule and the information specified therein.

(2) The Board, upon the close of such hearing, will make the tentative rate or rates specified in its order pursuant to paragraph (b) of this Rule final by the issuance of its further order.

(e) (1) If an answer is filed as provided in paragraph (c) of this Rule a conference will be held. The conference will be attended by representatives of the Board assigned to the particular case and representatives of the parties, and will be presided over by an examiner of the Board.

(2) If a party desires to introduce evidence in the proceeding, he shall file written notice with the examiner at the time of such conference; if a party desires an opportunity to file briefs with, or present oral argument to, the Board, he shall file a written request therefor with the examiner not later than the close of the hearing hereinafter provided for.

(3) The examiner, at the close of the conference, will prepare and serve upon the parties a report stating the issues raised by the objections of the parties with respect to the tentative rate or rates. Any party may file exceptions to such report.

(4) After service of the report provided for in paragraph (e) (3) of this Rule, the proceeding will be assigned for

¹ 4 F.R. 1998, 5 F.R. 2480, 4660, 4892.

public hearing before an examiner of the Board.

(5) The exhibits provided for in paragraph (b) (3) of this Rule and the information specified therein, and any exhibits filed by any party in support of any objections filed pursuant to paragraph (c) of this Rule, shall constitute evidence of record in the proceeding, subject to the right of any party to object to the admissibility of such exhibits and information. Additional evidence may be presented by the parties at such hearing only if the notice provided for in paragraph (e) (2) has been filed, and such evidence shall be limited to evidence relating to the issues as defined in the conference report issued by the examiner and exceptions filed thereto pursuant to paragraph (e) (3). A member (or members) of the Board's staff will be available at the hearing for examination by the parties on the evidence with respect to such issues.

(6) The proceeding will be deemed submitted to the Board for final decision, without the issuance of an examiner's report, upon the close of the hearing, the filing of briefs, or the presentation of oral argument, or may be in order pursuant to requests made in accordance with the provisions of paragraph (e) (2) of this Rule. [Rule 11]

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-300; Filed, January 12, 1942;
11:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 210—REGULATION S-X UNDER SECURITIES ACT, SECURITIES EXCHANGE ACT AND INVESTMENT COMPANY ACT

AMENDMENT NO. 5 TO REGULATION S-X¹

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

I. Paragraphs (a) and (d) of § 210.1-01 [Rule 1-01] are amended to read as follows:

§ 210.1-01 *Application of Regulation S-X.* (a) Registration statements under the Securities Act of 1933 (48 Stat. 74 et seq., 15 U.S.C. 77a-aa), filed on form A-2 or C-1.

* * *

¹ 5 F.R. 954.

(d) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934 (section 3, 49 Stat. 1377, 15 U.S.C. 780), filed on form 1-MD, 2-MD or 4-MD.

II. There is inserted immediately following article 6 a new article 6A, reading as follows:

Article 6A—Unit Investment Trusts

§ 210.6-10 *Application of Article 6A.* This article shall be applicable to financial statements filed by unit investment trusts including unit investment trusts which are issuers of periodic payment plan certificates.* [Rule 210.6-10, effective January 9, 1942]

*§§ 210.6-10 to 210.6-13, inclusive, and §§ 210.12-33, 210.12-34, issued under the authority contained in sec. 7, 48 Stat. 78; 15 U.S.C. 77g; sec. 19, 48 Stat. 85; sec. 209, 48 Stat. 908; 15 U.S.C. 77s; sec. 12, 48 Stat. 892; sec. 1, 49 Stat. 1375; 15 U.S.C. 781; sec. 13, 48 Stat. 894; 15 U.S.C. 78m; sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78o; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w; sec. 8, 54 Stat. 803; 15 U.S.C. 80a-8; sec. 30, 54 Stat. 836; 15 U.S.C. 80a-30; sec. 38, 54 Stat. 841; 15 U.S.C. 80a-38.

§ 210.6-11 *Statements of condition.* Statements of condition filed for unit investment trusts shall comply with the following provisions:

(a) *Trust property*—(1) *Investment in securities.* The aggregate cost and the aggregate value of investments included under this subparagraph and subparagraph (2) of this paragraph shall be shown in the statement of condition parenthetically or otherwise. The method used in determining the "cost" shall be stated. For the purpose of this section, "value" has the meaning defined in section 2 (a) (39) (B) of the Investment Company Act of 1940 (section 2 (a) (39), 54 Stat. 796; 15 U.S.C. 80a-2). State in the statement of condition for each caption the basis of determining the amount at which investments are carried.

(i) *Securities of investment companies.* State separately (a) trust shares in unit trusts created or serviced by the depositor or sponsor of this trust; (b) trust shares in other unit trusts; and (c) securities of other investment companies.

(ii) *Securities of other companies.* State separately (a) marketable securities and (b) other securities.

(2) *Investments other than securities.* State separately each major class. See instructions to subparagraph (1) of this paragraph.

(3) *Dividends and interest receivable.*

(4) *Cash.*

(5) *Other property.* State separately each significant item. State the basis of determining the amounts.

(b) *Liabilities, trust shares and distributable funds*—(1) *Liabilities.* State separately amounts payable to (i) trustee and custodian; and (ii) depositor, sponsor, and their associates. State separately any other significant items.

(2) *Reserves not shown elsewhere.* State separately each significant item. If the caption used for each reserve stated separately is not clearly indicative

of the purpose for which the reserve was created, explain the purpose in a note referred to under this subparagraph.

(3) *Trust shares.* State for each class of trust shares (i) the title of issue, the number of trust shares outstanding and the total cost to the investors of such trust shares; (ii) the adjustment for market depreciation or appreciation; (iii) other deductions from the total cost to the investors for fees, loads and other charges; and (iv) the net amount credited to the investors. Explain in a note referred to under this subparagraph the deductions for fees, loads and other charges from the total cost to the investors. If the amounts called for by subdivisions (i), (ii) and (iii) of this subparagraph are not reasonably determinable a statement to that effect shall be made and in such case there shall be stated for each class of trust shares the title of issue, the number of trust shares outstanding and the net amount credited to the investors.

(4) *Distributable funds accrued to trust shares.* The amount shown here shall agree with that shown in paragraph (c) (6), of the related statement of income and other distributable funds.* [Rule 6-11, effective January 9, 1942]

§ 210.6-12 *Statement of income and other distributable funds.* The statements of income and other distributable funds filed for unit investment trusts shall comply with the following provisions:

(a) *Income*—(1) *Distribution and dividends.* State separately (i) distributions received on shares of investment trusts, and (ii) dividends on other securities. If there is included herein any distribution received on shares of investment trusts which are known to represent the return of any portion of the amount invested in the shares upon which such distribution was paid, indicate in a footnote herein referred to the justification alleged for such treatment and the amounts involved if known or reasonably available. Also indicate the basis upon which dividends and distributions are taken into income (e. g., "cash" or "accrual"; and if accrual whether as of declaration or record date); and, as to any distributions and dividends other than cash, the basis on which they have been taken up as income.

(2) *Interest.* State separately interest from (i) securities and (ii) other sources.

(3) *Other income.* State separately by class of income each significant amount.

(4) *Total income.*

(b) *Expenses*—(1) *Taxes.*

(2) *Fees of the trustee and custodian.*

(3) *Fees of the depositor and sponsor.*

(4) *Legal fees and expenses.* State separately each significant amount.

(5) *Auditing fees and expenses.* State separately each significant amount.

(6) *Other expenses.* State separately by class of expense each significant amount.

(7) *Total expenses.*

(c) *Distributable funds*—(1) *Net distributable income for the period.* (Paragraph (a) (4) less paragraph (b) (7))

(2) *Distributable funds accrued to trust shares at the beginning of the period.*

(3) *Other additions to distributable funds.* State separately (i) that portion from the sale of trust shares which represents payments for participation in accrued distributable funds; and (ii) any other significant amounts.

(4) *Deductions other than distributions.* State separately (i) amounts withheld (a) for reserves and (b) for investments, and (ii) any other significant amounts.

(5) *Distributions to shareholders.* For each class of trust shares state the amount per share and in the aggregate. State, as to any distributions other than cash, the nature of the distributions and the basis of determining the amount charged to distributable funds. Indicate here or in a note herein referred to the aggregate distributions made upon the surrender and cancellation of trust shares which represent distributable funds accrued at the date of surrender and cancellation.

(6) *Distributable funds accrued to trust shares at close of the period.** [Rule 6-12, effective January 9, 1942]

§ 210.6-13 *What Schedules are to be filed.* (a) Schedule IV, specified below, shall be filed as of the date of the most recent statement of condition filed. The other schedules specified shall be filed for each period for which a statement of income and other distributable funds is filed. All schedules shall be certified.

(b) Reference to the schedules shall be made against the appropriate captions of the statement of condition and the statement of income and other distributable funds.* [Rule 6-13, effective January 9, 1942]

Schedule I—Investment in securities. The schedule prescribed by § 210.12-33 [Rule 12-33] shall be filed in support of caption 1 of each statement of condition and of captions 1 and 2 of each statement of income and other distributable funds.

Schedule II—Trust shares—Other than periodic payment plan certificates. If the trust shares are other than periodic payment plan certificates the schedule prescribed by § 210.12-34 [Rule 12-34] shall be filed in support of caption 8 of each statement of condition.

Schedule III—Gain or loss from transactions in trust property. (For unit investment trusts other than those issuing periodic payment plan certificates.) A schedule shall be submitted showing for each investment set forth in Schedule I in which there were any sales or redemptions during the period: (a) the aggregate amount received from sale; (b) the aggregate cost of the investment sold; and (c) the realized gain or loss thereon.

Schedule IV—Allocation of trust assets to series of trust shares. If the trust assets are specifically allocated to different series of trust shares, and if such allocation is not shown in the statement of condition in columnar form or by the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of trust assets, indicated by each statement of condition filed, which is applicable to each series of trust shares.

Schedule V—Allocation of trust income and distributable funds to series of trust shares. If the trust income and distributable funds are specifically allocated to different series of trust shares and if such allocation is not shown in the statement of income and other distributable funds in columnar form or by

the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of income and distributable funds, indicated by each statement of income and other distributable funds filed, which is applicable to each series of trust shares.

§ 210.12-33 Investment in security.¹

[For unit investment trusts only]

| Part 1 | | | | | Part 2 | | | | | |
|--|---|---|---|---|---|---|--|---------------------------------------|--|----------|
| Col. A | Col. B | Col. C | Col. D | Col. E | Col. F | Col. G | Col. H | Col. I | Col. J | Col. K |
| Name of issuer and title of issue ² | Balance held at beginning of period. Number of shares—principal amount of bonds and notes | Gross purchases and additions as to each issue during period. Number of shares—principal amount of bonds and notes ³ | Gross sales and reductions as to each issue during period. Number of shares—principal amount of bonds and notes | Balance held at close of period. Number of shares—principal amount of bonds and notes | Cost of items included in column E ⁴ | Amount at which each issue was carried at close of period | Market value of each issue at close of period ⁵ | Distribution received on trust shares | Dividends on other shares ⁶ | Interest |

¹ The required information is to be given as to each issue of securities held at any time during the period.

² Group separately (a) shares of investment companies; and (b) other securities. As to securities set forth in group (a) list separately (1) trust shares in unit trusts created or serviced by the depositor or sponsor of this trust; (2) trust shares in other investment trusts; and (3) securities of other investment companies. As to securities set forth in group (b) list separately (1) evidences of indebtedness; (2) preferred shares; (3) common shares; and (4) other securities. Within each of these subdivisions classify according to type of business, insofar as practicable, e. g., railroads, utilities, banks, insurance companies, industrials. Give totals of each group, subdivision and class.

³ Describe briefly the nature of any additions otherwise than through cash purchases.

⁴ State the basis upon which cost has been determined. State in a footnote to this column the aggregate cost for purposes of the Federal income tax.

⁵ Columns F, G and H shall be totaled. The total of column G at the close of the most recent period shall agree with the related caption in the statement of condition. If the amount shown in column G differs from the amount shown in either column F or H, state the basis of determining the amount in column G. If the amounts to be shown in column G are identical with the amounts to be shown in columns F or H, a statement to that effect will suffice.

⁶ If market value is determined on any basis other than closing prices reported on any national securities exchange, explain such other basis in a note.

⁷ Identify all dividends other than cash taken up in income, and state the basis on which so taken up.

* [Rule 12-13, effective January 9, 1942]

§ 210.12-34 Trust shares—other than periodic payment plan certificates.

(For Unit Investment Trusts only)

- Amount at which ----- trust shares were carried at beginning of period¹ ----- \$-----
- Additions during period resulting from:
 - Creation of ---- trust shares² ----- \$-----
 - Allocations of trust income for reinvestment -----
 - Other additions³ -----
- Total additions -----
- Deductions during period resulting from:
 - Surrender and cancellation of ---- trust shares⁴ ----- \$-----
 - Other distributions (or transfers to distributable funds) of amounts credited to trust shares -----
 - Other deductions⁵ -----
- Total deductions -----
- Amount at which ----- trust shares were carried at end of period⁶ -----

¹ Insert the applicable number of trust shares.

² State the basis of determining the amount.

³ State separately all significant items. If market appreciation of underlying trust property is included the amount thereof shall be shown separately. Income required to be set forth in the statement of income and other distributable funds shall not be set forth here.

⁴ State separately all significant items. If market depreciation of underlying trust

property is included, the amount thereof shall be shown separately. Expenses required to be set forth in the statement of income and other distributable funds shall not be set forth here.

⁵ The balance at the close of the most recent period shall agree with caption 8 of the related statement of condition.

* [Rule 12-34, effective January 9, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-261; Filed January 9, 1942;
11:49 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1223]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE JONESVILLE NO. 3 AND NO. 4 MINES OF THE JONESVILLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by rail, produced at the Jonesville No. 3 and No. 4 Mines of the Jonesville Coal Company, a code member in District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith (1) § 343.4 (*Code member price index*) in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments Except Truck is supplemented to include within Sub-district "A" Roslyn in that district the Jonesville No. 4 Mine (Mine Index No. 159) of the Jonesville Coal Company in Kittitas County, Washington; and (2) the price classifications and minimum prices set forth in § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in that Schedule for the coals, for shipment via rail transportation, produced in Sub-district "A" Roslyn are applicable and effective as to the coals produced at the Jonesville No. 4 Mine (Mine Index #159) in Freight Origin Group #60 for shipment via Northern Pacific Railroad from Ronald, Washington, into all market areas.

No relief is granted herein as to the coals of the Jonesville No. 3 Mine (Mine Index #143) of the Jonesville Coal Company for the reason that these coals were heretofore classified and priced for shipment by both rail and truck in the Division's General Docket No. 15, as reflected in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-285; Filed, January 12, 1942;
9:26 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

Preference Rating Order No. P-55¹ Amended—Material Entering Into the Construction of Defense Housing Projects

§ 955.4 *Preference Rating Order P-55.* For the purpose of facilitating the acquisition of Material for the construction of the Defense Housing Project hereinafter described, a preference rating is hereby assigned to deliveries to the above named Builder and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (i) "Builder" means the specific person to whom this Order is addressed above.

(2) "Defense housing project" means the housing project described in the Builder's Application on Form PD-105, No. _____, dated _____, comprising _____ units, as finally approved.

(3) "Supplier" means any person (i) Who supplies Defense Housing Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed, and

(ii) With whom a contract or purchase order has been placed for delivery, to the Builder or to another Supplier, of Defense Housing Material which will enter into the construction of the Defense Housing Project.

(4) "Defense housing material" means any material included in the Defense Housing Critical List, and only such Material.

(b) *Assignment of preference rating.* Preference Rating _____ is hereby assigned (1) to deliveries to the Builder of those quantities and kinds of Defense Housing Material which may be specifically authorized for such rating by the Director of Priorities on the copy of Form PD-105, No. _____, dated _____, returned to the Builder.

(2) to deliveries to a Supplier of Defense Housing Material the delivery of which to the Builder has been authorized by the Director of Priorities on said Form or which will be used within the limitations of paragraph (d) (2) hereof to replace in such Supplier's inventory Defense Housing Material so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Builder;

(2) Any Supplier of Defense Housing Material to the delivery of which a preference rating has been applied as provided in paragraph (e), *Provided, however, That such Supplier may only apply*

said preference rating to deliveries of Defense Housing Material which he will resell without change in form to fill a specific purchase order or contract rated hereunder or which he will use within the limitations of paragraph (d) (2) hereof, to replace in his inventory Defense Housing Material so resold.

(d) *Restrictions on use of preference rating—(1) Restrictions on the builder.*

(i) The Builder may apply said preference rating only to those quantities and kinds of Defense Housing Material specifically authorized for such rating by the Director of Priorities as indicated on the copy of Form PD-105, No. _____, dated _____, returned to the Builder. This Order will be cancelled immediately if the Builder is found to have applied the rating to deliveries in excess of his specific authorization.

(ii) The Builder may not apply said preference rating to obtain delivery of Defense Housing Material in greater quantities or on earlier dates than required to enable him to maintain his construction schedule on the Defense Housing Project.

(2) *Restrictions on supplier.* (i) No Supplier may apply said preference rating to obtain Defense Housing Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) below, to replace in his inventory Defense Housing Material so delivered. He shall not be deemed to require such Defense Housing Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier may defer applications of a rating hereunder to purchase orders or contracts to be placed by him for Defense Housing Material until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided, That* he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.*

(1) The Builder or any Supplier in order to apply said preference rating to deliveries of Defense Housing Material to him must endorse on each purchase order or contract which is covered by a rating assigned thereunder a statement in the following form manually signed by an official duly authorized for such purpose and must submit each such purchase order or contract in duplicate to be countersigned by an authorized agent of the Federal Housing Administrator:

Preference Rating _____ is applied hereto under Preference Rating Order No. P-55 Amended, Serial No. (s) _____, with the terms of which Order the undersigned Builder (Supplier) is familiar. This rating may be extended only upon the terms of said Order, copies of which may be obtained from

¹ 6 F.R. 4842.

the undersigned Builder (Supplier), from the Division of Priorities or from any Priorities Field Service Office of the Office of Production Management.

(Name of builder or supplier)

(Duly Authorized Official)

(Name of Authorized Agent of Federal Housing Administrator)

(Title)

(Location of Office of Federal Housing Administration)

Such endorsement shall constitute a representation to the Office of Production Management and the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such person shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Defense Housing Material the delivery of which is rated in accordance herewith.

(2) A Supplier who has received from two or more Builders or Suppliers endorsed purchase orders or contracts for Defense Housing Material to the delivery of which the same rating has been applied in accordance with this Order may (within the limitations of paragraph (d) hereof) include in a single purchase order or contract any or all of the Defense Housing Material to which he is entitled to apply the rating assigned by this Order but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying said preference rating.

(3) In addition to the foregoing requirements a Supplier (but not a Builder) before he first applies a preference rating assigned by this Order to deliveries to him must accept Preference Rating Order P-55, Amended, by executing an acceptance in the form attached at the end hereof and file it with the Office of Production Management. No additional acceptance need be filed for any subsequent application of the Order regardless of the Serial Number under which and of the name of the Builder to whom it is issued.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended from time to time, the Builder and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Communication to Office of Production Management.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

OFFICE OF PRODUCTION MANAGEMENT

Washington, D. C.

Ref: P-55

(h) *Violations.* Any Person who willfully violates any provisions of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further delivery of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Builder or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or Supplier affected by such revocation or expiration.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect when countersigned by the District Manager, Priorities Field Service, Office of Production Management, and unless sooner revoked shall expire on the _____ day of _____ 1942.¹ (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d session; as amended by Public No. 39, 77th Congress, 1st session; sec. 9, Public No. 783, 76th Congress, 3d session)

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING
ORDER NO. P-55, AMENDED

TO: OFFICE OF PRODUCTION MANAGEMENT,
Washington, D. C.

Ref: P-55

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P-55, Amended. For the purpose of applying to deliveries to the undersigned ratings assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this _____ day of _____ 194__

(Legal Name of Supplier)

By _____
(Signature and title of duly authorized official)

(Address of Supplier)

¹ Revocation date will be determined for each individual case.

(Section 35 (A) of the Criminal Code (18 U.S.C. 80), makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Instructions

Before a Supplier applies a preference rating pursuant to Preference Rating Order No. P-55, Amended, he must file the foregoing acceptance with the Office of Production Management. Only one acceptance of said Order need be filed by any one Supplier.

Extension of ratings must be made by endorsement on purchase orders or contracts in the manner prescribed in Preference Rating Order No. P-55. Copies of the Order and blank acceptance forms may be obtained from the Division of Priorities or any Priorities Field Service Office of the Office of Production Management.

A Builder in whose name Preference Rating Order No. P-55, Amended, is issued is not required to execute an acceptance form.

[F. R. Doc. 42-296; Filed, January 12, 1942; 11:27 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Supplementary General Limitation Order L-3-e¹ Fur- ther Restricting Sales and Delivery of Light Motor Trucks

Section 976.9 (Supplementary General Limitation Order L-3-e) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 976.9 Supplementary General Limitation Order L-3-e—(a) Prohibition of sale of light motor trucks. * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of light motor trucks to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A-1-j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P-19, P-19-a, or

¹ 7 F.R. 116.

P-19-b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or United States Navy; and (b) to whom such official or agency has extended an A-1-j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-271; Filed, January 10, 1942;
9:35 a. m.]

**PART 976—MOTOR TRUCKS, TRUCK TRAILERS
AND PASSENGER CARRIERS**

Amendment No. 1 to Supplementary General Limitation Order L-1-c¹ Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10 (Supplementary General Limitation Order L-1-c) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 976.10 *Supplementary General Limitation Order L-1-c—(a) Prohibition of sales of medium and heavy motor trucks and truck trailers.* * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of medium or heavy motor trucks or truck trailers to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A-1-j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P-19, P-19-a, or P-19-b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or

United States Navy; and (b) to whom such official or agency has extended an A-1-j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-270; Filed, January 10, 1942;
9:35 a. m.]

PART 981—PASSENGER AUTOMOBILES

Amendment No. 1 to Supplementary General Limitation Order L-2-f¹ Restricting Sale and Delivery of Passenger Automobiles

Section 981.7 (Supplementary General Limitation Order L-2-f) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 981.7 *Supplementary General Limitation Order L-2-f—(a) Prohibition of sales of passenger automobiles.* * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of passenger automobiles to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A-1-j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P-19, P-19-a, or P-19-b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or United States Navy; and (b) to whom such official or agency has extended an A-1-j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy

officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-269; Filed, January 10, 1942;
9:35 a. m.]

PART 984—LEAD

Conservation Order No. M-38-c Curtailing the Use of Lead in Certain Items

Whereas, national defense requirements have created a shortage of lead for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered that:

§ 984.4 *Conservation Order No. M-38-c—(a) Prohibition on use of lead in articles appearing on List "A".* (1) Any person using lead or lead base alloy in any item on List "A" shall reduce his use of lead or lead base alloy for such product between January 1 and March 31, 1942 to 50% of his use in the base period.

(2) Effective April 1, 1942, no lead or lead base alloy shall be used in the production of any item on List "A."

(b) *Limitation on all other uses of lead.* Effective January 1, 1942, any person using lead or lead base alloy in any article not covered by paragraph (a) or (c) of this section shall reduce his use of lead for such products during each calendar quarter to 90% of his use in the base period.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) of this section shall not apply to the use of lead or lead base alloy in the manufacture of any item on, or for any of the uses set forth on, List B attached, nor in the manufacture of any item which is being produced.

(1) under a specific contract or sub-contract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of

March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Lead or Lead Base Alloy to the extent employed is required by the specifications of the prime contract; or

(2) to comply with underwriters regulations, or safety regulations issued under Governmental authority, provided the pertinent provisions of such regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of lead or lead base alloy to the extent employed; or

(3) with the assistance of a preference rating of A-1-j or higher; or

(4) for use in equipment in manufacturing plants to the extent that corrosive action makes necessary the use of lead; or

(5) for use in scientific and industrial laboratories and hospitals where and to the extent that the physical and chemical properties of lead make its use necessary.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver lead or lead base alloy to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this section.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of lead or lead base alloy (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw materials in quantities, which in any case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory.

(f) *Miscellaneous provisions—(1) Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(2) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of lead or lead base alloy conserved, or that compliance with this section would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management, Ref.: M-38 c, on such forms as may be prescribed, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of section.* The prohibitions and restrictions contained in this section shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a

contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of lead or lead base alloy in the production of any article, the limitations of such other order shall be observed.

(4) *Violations.* Any person who willfully violates any provision of this section, or who by any Act or omission falsifies records to be kept or information to be furnished pursuant to this section may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this section:

(i) "Lead" means and includes lead metal whether produced from domestic or foreign ores, which has been refined by any recognized method, in all forms and shapes current in the trade; antimonial lead, and lead metal produced from scrap and drosses.

(ii) "Lead base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(iii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control or under common control with or available for the use of such person.

(iv) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(v) "Item" means any article or any component part thereof.

(vi) "Use" means both the act of putting lead or lead base alloy into process in the manufacture of any item and the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (a) the amount of material put into process during the base period and (b) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vii) "Base period" means either (a) the 3rd quarter of 1941, or (b) the 4th quarter of 1941, at the election of the manufacturer: *Provided*, That a single method of computation shall be used throughout the calendar year.

(viii) "Put into process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This section shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg.

1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

List "A" of Order M-38-c

The use of lead or lead base alloy in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order, and except to the extent that the use of solder may be required in the assembly of two or more component parts of such items.

Automobile Body Solder
Ballast, Keels for pleasure boats
Blocks for Cutting Leather
Building Supplies (except as required in latest Defense Housing Critical List).
cames
doors
flashings, more than 2½ lb. hard lead
gutters
leaders
ornamental work
puttyless frames
roofing
safety treads
sash weights
sheets under tile flooring
shower pans, over 4 lbs. per sq. ft.
sky lights and windows
spandrels
stair-treads
Caskets and Casket Hardware
Foil (except as specified on list "B")
Glass for Ornamental Purposes
Regalia, Badges, Emblems
Statuary and Art Goods
Tennis Court Markers
Toys
Weights for:
bats
clocks
decoys
dresses
golf clubs
jockey's saddle

List "B" of Order M-38-c

The items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order M-38-c, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Anodes and Cathodes in electroplating processes
Baths for the heat treatment of steel
Bearings, Bushings, and Thrust Washers
Fire fighting and other protective equipment where and to the extent Lead or Lead Base Alloy is essential to the proper functioning of the parts.

Foil for:
condensers
electrotyping
moulding lead
Glass for Optical and Scientific Purposes
Lead Arsenate for Agricultural Insecticides and Fungicides
Solder
X-ray Equipment
Pigments and Driers

[F. R. Doc. 42-268; Filed, January 10, 1942;
9:35 a. m.]

PART 997—PRODUCTION AND DELIVERY OF
MACHINE TOOLS, GAGES AND CHUCKS

General Preference Order No. E-1-a,¹
Revised

Whereas on July 7, 1941, the Director of Priorities issued Supplementary Order No. 1 to General Preference Order E-1,² to direct the distribution of Machine tools, and

Whereas Supplementary Order No. 1 contained a Master Preference Numerical List (Exhibit A thereto) for the use of manufacturers of such Machine Tools, in scheduling their deliveries of critical Machine Tools required for the Defense Contracts specified on such List, and

Whereas the state of War now existing makes revision of such Master Preference Numerical List necessary, in order to insure the delivery of Machine Tools to the most important needs, and

Whereas General Preference Order No. E-1-a was issued January 6, 1942 but the operation thereof has been temporarily suspended,

Now, therefore, it is hereby ordered, That: § 997.1, General Preference Order E-1-a, be amended and revised as follows:

§ 997.1 General Preference Order E-1-a—(a) Definitions. (1) "Machine Tools," "Gages" and "Chucks" include the following products grouped as indicated for the purposes of this Order:

Group I

Chucks.
Engine lathes.
External grinding machines.
Jig borers.
Planers.
Profiling machines.
Radial drills.
Sensitive drills.
Shapers.
Surface grinding machines.
Toolroom lathes.
Upright drills.

All other machine tools not specifically mentioned in Group II.

Group II

Gages.
Automatic lathes.
Chucking machines.
Gear machines.
Horizontal boring, milling and drilling machines.
Internal grinding machines.

Milling machines.
Multiple spindle screw machines.
Precision boring machines.
Reaming machines.
Rifle barrel chambering machines.
Rifle barrel drilling machines.
Rifle barrel reaming machines.
Rifle barrel rifling machines.
Rifle machines.
Thread grinding machines.
Thread milling machines.
Turret lathes.
Vertical boring mills.
Vertical turret lathes.

All machine tools individually engineered for special operations.

Also any other tools or equipment which may specifically be added hereto by the Director of Priorities.

(2) "Producer" means any individual, partnership, association, corporation or other form of enterprise engaged in producing any items listed in Group I or Group II above.

(b) Revocation of previous order. Supplementary Order No. 1 to General Preference Order E-1 is revoked as of January 15, 1942, and shall thereafter be of no further force or effect except as present schedules are continued by paragraph (c) (1) below.

(c) Periods for continuance of present schedules. (1) Present schedules of production and delivery of those Machine Tools and Chucks specified in Group I above shall be maintained until February 15, 1942. Present schedules of those Machine Tools and Gages specified in Group II above shall be maintained as they now stand until March 15, 1942.

(2) Production and delivery schedules under purchase orders placed by the United Kingdom, Canada and other Dominions, bearing no preference rating, shall be maintained as they now are unless other instructions relating thereto are received from the Director of Priorities or other official duly authorized by him. Separate instructions governing the deliveries to the United Kingdom after April 1, 1942 have been heretofore issued.

(3) No provision of this Order shall affect the terms of any Special Allocation Order No. 1, now or hereafter issued to any Producer, nor the production schedules relating thereto.

(d) Production and delivery of machine tools, gages and chucks. After the periods specified in paragraph (c) (1) above every Producer shall schedule his production and delivery of Machine Tools, Gages and Chucks according to the following instructions:

(1) Operation of preference ratings. (i) Preference Ratings, in order of precedence are: AA, A-1-a, A-1-b, etc. * * * A-1-j; A-2, A-3, etc. * * * A-10; BB, B-1, B-2, etc. * * * B-8, AA being the highest rating presently assigned.

(ii) Subject to paragraph (d) (3) hereof, every delivery under a rated contract or order shall be made in preference to deliveries under all other contracts or purchase orders, whenever, but only to the extent necessary to meet the required

delivery date or dates specified in the preference rating certificate covering such delivery.

(iii) Subject to paragraph (d) (3) hereof, deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary, and only to that extent, to assure meeting the required delivery date or dates specified in certificates bearing higher preference ratings, even though such deferment may cause defaults under other contracts or purchase orders.

(iv) After the effective date of this Order no delivery shall be given priority standing in production and delivery schedules except upon receipt by the Producer of the preference rating certificate covering such delivery.

(2) Operation of numerical master preference list, Revision No. 1. (i) Deliveries bearing a preference rating of A-1-a under purchase orders for Machine Tools, Gages and Chucks placed by another producer thereof, or by producers of Cranes, Cutting Tools, or Micrometers, shall be preferred to, and take precedence over all other deliveries bearing an A-1-a preference rating, including deliveries to any purchaser appearing on the Numerical Master Preference List, Revision No. 1, hereinafter referred to.

(ii) The Numerical Master Preference List, Revision No. 1 (Exhibit A attached to this Order, hereinafter called the "List") shall, after the respective dates specified in paragraph (c) (1) above, control the sequence of deliveries of Machine Tools, Gages and Chucks as follows:

(a) As between conflicting deliveries bearing the same preference rating, deliveries to purchasers who are on the List shall be preferred to, and shall take precedence over deliveries to purchasers not on the List.

(b) As between conflicting deliveries bearing the same preference rating, to be made to two or more purchasers both on the list, deliveries shall be made according to the Urgency Standing of the respective purchasers, specified in such List. The highest Urgency Standing in each preference rating classification is No. 1. In those instances where the List assigns to a purchaser more than one Urgency Standing for the same defense contract, a Producer, in scheduling purchase orders which are on hand at the effective date of this Order, shall use the highest of such Urgency Standings, unless a Preference Rating Certificate shall have been issued to him requiring him to use one of the lower Urgency Standings so assigned; and in scheduling purchase orders received after the effective date of this Order, shall use the particular one of such Urgency Standings specified in a Preference Rating Certificate which will be issued with respect to each such Purchase order.

(c) As between conflicting deliveries, a delivery to a purchaser not on the List, bearing a higher preference rating, shall be preferred to and shall take precedence over a delivery to a purchaser who is on the List, bearing a lower preference rating.

¹ 7 F.R. 148.
² 6 F.R. 1876.

(d) A delivery to a subcontractor who is not specifically named on the List does not take the Urgency Standing of his prime contractor; provided that if the Priorities Committee, of the Army and Navy Munitions Board has endorsed in writing a subcontractor's preference rating certificate with the Urgency Standing of the prime contractor when the particular machine or machine specified in such certificate shall be scheduled for delivery in accordance therewith. The Director of Priorities, or other official duly authorized by him, may hereafter also designate an Urgency Standing for any subcontractor whose prime contractor does not appear on the List.

(iii) Where two or more purchasers do not appear on the List, and their contracts or purchase orders for Machine Tools, Gages or Chucks have required delivery dates which conflict, and which bear the same preference rating, the sequence of deliveries shall be determined by the dates of the machine tool producer's receipt of the preference rating certificates, deliveries under certificates received earlier to have preference.

(iv) Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director of Priorities or other duly authorized official.

(3) *Suspension of new preference rated orders.* Unless the Director of Priorities specifically orders otherwise, and notwithstanding any other provision of this Order, a higher preference rating or Urgency Standing shall not operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of Tools or Chucks in Group I, is to be made within 30 days of receipt of such higher preference rating or Urgency Standing or, in the case of Machine Tools or Gages in Group II, is to be made within 60 days of receipt of such higher preference rating or Urgency Standing.

(e) *Specific modifications of schedules.* Notwithstanding any other provision of this Order the Director of Priorities, or other official duly authorized by him, may specifically allocate to another purchaser, or otherwise divert, any machine tool, gage or chuck scheduled for production and delivery pursuant to this Order.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this Order should be addressed to the Tools Branch, Office of Production Management, Washington, D. C., Ref: E-1-a.

(h) This Order shall take effect January 15, 1942, and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept.

2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session).

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-295; Filed, January 12, 1942;
11:26 a. m.]

PART 1015—CELLOPHANE AND SIMILAR
TRANSPARENT MATERIALS DERIVED FROM
CELLULOSE

*Amendment No. 1 to Limitation Order
L-20 To Limit the Use of Cellophane
and Similar Transparent Materials
Derived From Cellulose*

Section 1015.1 (Limitation Order L-20)
is hereby amended to read as follows:

Whereas, the manufacture of Cellophane and similar transparent materials derived from cellulose requires the use of essential materials required for national defense; and

Whereas, National Defense requirements have created a shortage in such materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense requirements; and

Whereas, present supplies of these materials will be insufficient for defense and essential civilian requirements;

Now, therefore, it is hereby ordered that:

§ 1015.1 *General Limitation Order L-20—(a) Definitions.* For the purposes of this section:

(1) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(2) "Supplier" means any manufacturer, converter, jobber, dealer, printer and other person who directly or indirectly delivers Cellophane or similar transparent materials derived from cellulose to the users enumerated in paragraph (b) of this section.

(3) "Cellophane or similar transparent materials derived from cellulose" means Cellophane or similar transparent materials derived from cellulose having a gauge of less than .005".

(b) *Restrictions on use.* Subject to the provisions of paragraph (d) of this section, no person shall use Cellophane or similar transparent materials derived from cellulose, or packages or boxes containing windows of such material, for packaging or manufacture of the materials included in the following categories:

(1) Razor blades and sets, except for export purposes.

(2) Cosmetics and soaps, including but not limited to soap and soap flakes, face powder and creams, perfumes, lotions, shampoos, beauty aids, bath salts, hair tonics and bay rum.

16 F.R. 5730.

(3) Textiles, including but not limited to hosiery, men's shirts and haberdashery, men's, women's and children's underwear, infants' wear (except infants' garments sterilized and so marked on the package), garters, suspenders, girdles, elastic goods, shoe laces, dolls' clothes, lingerie, sweaters, household goods (such as sheets, pillow cases, towels, dish and wash clothes, table linen, doilies, curtains), bedspreads, blankets, narrow fabrics, bolt and piece goods, notions, threads, yarn, polishing and dust cloths, lace, sanitary belts, ribbons and hair bows, cotton batting, string, and twine; but not including bandages, sanitary swabs, and typewriter ribbons.

(4) Rubber and rubber products, including but not limited to rubber gloves, bathing caps, water bags, rubber bands, erasers, garden hose, tires, jar rings, and dress shields; but not including use as a substitute for Holland Cloth in the backing of retreading stocks for tires, as a protective cover for cement on tire liners and patches, and as a wrapping on friction and rubber tape, and on nipples.

(5) Hardware, metals, and sporting goods, including but not limited to tools, builders hardware, screws, tacks, and other small count goods, lock parts, bearings, kitchenware, cutlery, auto supplies, zippers, hairpins, pins and needles, bathroom scales, fishing tackle and accessories, golf and tennis items, silverware and cordage; but not including use as a protection for metals and metal parts in export trade or as a protection for precision metal parts.

(6) Paper and paper products, including but not limited to books and periodicals, labels, tags, index cards, advertising and display material, carbon paper, facial tissues, stationery, greeting cards, playing cards, matchbook covers, school supplies, fly paper, mats, punch boards, fibre waste baskets, jig-saw puzzles, lunch accessories (such as napkins, table cloths, plates and cups) and specialty papers; but not including scotch tape, or window correspondence envelopes.

(7) Fountain pens, pencils and leads.

(8) Jewelry, clocks, watches and cameras.

(9) Laundry and dry cleaning.

(10) Candles and wax products.

(11) Electrical equipment, including but not limited to switch plates, batteries and flashlights, washing machines, refrigerators, vacuum cleaners, stoves, bulbs, flat irons, toasters, heating pads, lamp cords and radios; but not including any use in the manufacture of the equipment.

(12) Wood and wood products, including but not limited to clothes pins, matches, wooden ware and dishes, forks and spoons, but not including medical tongue depressors and swabs.

(13) Leather and leather products, including but not limited to shoes, belts, and wrist bands.

(14) Brushes and combs, except tooth brushes.

(15) Bottled beverages, including but not limited to alcoholic beverages, carbonated beverages, and extracts, but not including special transparent caps for protection of government seals to cover

revenue stamps or spots or seals on bottles containing fluids which normally leak or evaporate.

(16) Bottled foods, including but not limited to sauces, salad dressings, fruit juices, pickles, olives, preserves, honey, flavorings, and food specialties.

(17) Canned goods of all sorts.

(18) Flowers, florists' plants, wreaths and garlands, natural and artificial.

(19) Decorations and novelties, including but not limited to molded paper hats, molded Christmas bells, molded flower pot covers, bows and rosettes, soda straws, shelf edgings, household rolls, gift wrappings, Christmas snow, seasonal bands, streamers, Easter grass, Easter egg dyes, decalcomanias and cigarette tips.

(20) Cleaning material, including but not limited to soap powder, cleaning compounds, polishes, metal sponges, mops, brushes, shoe polish kits and brooms.

(21) Cigar box and candy box overwraps, where used as a secondary wrap to protect box or carton rather than the product.

(22) Bowl covers, household dyes, sewing supplies, coat hangers, shoulder bags and other garment covers, dolls, cake decorations, toys and games, pipe filters, coin wrappings, natural and cellulose sponges, powder puffs, hair nets, printed dollies, hair waving equipment, brake linings, moldings, paints, molding clay and clay products, but not including photographic films.

(23) Cigarettes except where foil is omitted from the package either by order of the Office of Production Management or at the option of the producer.

(24) Plastic products.

Provided, however, That no person prohibited from using Cellophane or similar transparent materials derived from cellulose under the terms of this paragraph shall secure such materials in gauges of 0.005" or greater as a substitute for prohibited thinner gauges.

(c) *Restrictions on deliveries.* No supplier shall knowingly, directly or indirectly, deliver or cause to be delivered any Cellophane or similar transparent materials derived from cellulose, and no person shall accept the same to be used for packaging or manufacture of any of the materials listed in paragraph (b) of this section.

(d) *Nonapplicability to existing stocks.* The terms of paragraph (b) of this section shall not apply to stocks of Cellophane or similar transparent materials derived from cellulose in the hands of users on or before January 8, 1942, and the terms of paragraphs (b) and (c) of this section shall not apply to stocks of Cellophane or similar transparent materials derived from cellulose in the hands of suppliers and which have been, prior to January 8, 1942, so cut, processed or printed as to render impracticable use by persons other than those prohibited from using such materials under paragraph (b) of this section.

(e) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of Cellophane or similar transparent materials derived from cellulose by the terms of this section shall, as soon as practicable, notify each of his regular customers of the requirements of this section, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this section.

(f) *Exemption of defense orders.* The limitations of paragraphs (b), (c), and (d) of this section shall not apply to defense orders, as defined in Priorities Regulation No. 1, as amended and supplemented from time to time.

(g) *Exemption of waste material.* Nothing in this section contained shall prohibit the sale or delivery of off-grade or waste Cellophane or similar transparent materials derived from cellulose (known as roll and trim and rejected or defective rolls); *Provided, however,* That producers of Cellophane or similar transparent materials derived from cellulose shall report by the 10th day of each month the quantities of such material sold or delivered.

(h) *Violations.* Any person who violates any provision of this section may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation, and the Office of Production Management may also take any other action deemed appropriate.

(i) *Appeals.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of essential materials, used in the manufacture of Cellophane or similar transparent materials derived from cellulose, conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: L-20, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This section shall take effect immediately and shall continue in effect until February 15, 1942. (P. D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-266; Filed, January 10, 1942;
9:30 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

Amendment No. 2 of General Imports Order M-63¹

Section 1042.1 (General Imports Order M-63) is hereby amended as follows:

In paragraph (b) by inserting a comma and the words "Defense Supplies Corporation" after the words "Metals Reserve Company."

In paragraph (d) (1) by inserting a comma and the words "Defense Supplies Corporation" after the words "Metals Reserve Company."

By striking out the words "Metals Reserve Company" where said words appear in paragraph (e) (1) and inserting in lieu thereof the words "Federal Loan Agency."

By amending paragraph (e) (2) to read as follows:

(e) Reports.

(2) *Reports to collectors of customs.* No Strategic Material which is imported after the effective date of this Order, other than Strategic Materials imported by or for the account of Metals Reserve Company, Defense Supplies Corporation, or any other United States Governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the Person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD-222B, attached hereto. Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to Federal Loan Agency, Ref: M-63, Washington, D. C., which will transmit one copy to the Office of Production Management.

By adding to List A the following:

| Material | Ec. class | Commodity No. |
|--|-----------|---------------|
| Hides and Skins..... | 0 | 0201.0 |
| | 0 | 0202.0 |
| | 0 | 0203.0 |
| | 0 | 0203.1 |
| | 0 | 0205.0 |
| | 0 | 0206.0 |
| | 0 | 0207.0 |
| | 0 | 0208.0 |
| Asbestos originating in Rhodesia or the Union of South Africa. | 1 | 5500.1 |
| | 1 | 5500.1 |
| | 7 | 5501.0 |
| | 7 | 5501.1 |
| | 7 | 5501.9 |
| | 7 | 5502.1 |
| Rapeseed oil..... | 6 | 2253.0 |
| Coconut oil..... | 6 | 2242.5 |
| Copra..... | 6 | 2232.0 |
| Palm oil..... | 6 | 2243.0 |
| Tung oil..... | 6 | 2241.0 |

This amendment shall take effect at 12:01 a. m. of the day after the date of issuance. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-294; Filed, January 12, 1942;
11:26 a. m.]

¹ 6 F.R. 6796, 7 F.R. 206.

PART 1050—DISTILLED SPIRITS

General Preference Order No. M-69 To Conserve the Supply and Direct the Distribution of Distilled Spirits

Whereas, the national defense requirements have created a shortage of Distilled Spirits, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, that:

§ 1050.1 *General Preference Order M-69—(a) Definitions.* For the purposes of this section:

(1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "Producer" means any person engaged in the operation of a distillery.

(3) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into spirits for the manufacture of, or for blending with, whiskey, gin or other alcoholic beverages.

(b) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(c) *Restrictions on operations of distilleries.* Except as may be otherwise directed by the Director of Priorities, on and after January 15, 1942, no producer whose distillery has equipment and facilities for the production of distilled spirits shall use such equipment and facilities except in the production of distilled spirits.

(d) *Restrictions on deliveries of distilled spirits.* On or before the 15th day of each calendar month, commencing with the month of January, 1942, the Director of Priorities will direct each producer to deliver specified quantities of distilled spirits, either denatured or in bond, to certain designated persons; and no distilled spirits shall, after January 15, 1942, be delivered to any person by a producer until all deliveries required to be made by the Director of Priorities have been provided for by such producer. No person shall accept delivery of distilled spirits if the said delivery is made in violation of the foregoing.

(e) *Intra-company transactions.* The prohibitions or restrictions contained in this section with respect to deliveries, shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(f) *Alterations of existing equipment and facilities.* After the effective date of this section, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits without giving 15 days advance notice to the Director of Priorities of his intention so to do.

(g) *Reports.* Each producer shall forthwith report to the Chemicals Branch of the Office of Production Management the quantity of distilled spirits which his distillery is capable of producing. Additional reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the said Chemicals Branch.

(h) *Violations or false statements.* Any person who violates this section, or who wilfully falsifies any records which he is required to keep by the terms of this section, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of distilled spirits conserved, or that compliance with this section would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-69, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This section shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-267; Filed, January 10, 1942; 9:30 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1302—ALUMINUM

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 2¹—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

Section 1302.3 is hereby deleted and §§ 1302.10 and 1302.11 are hereby amended to read as follows:

§ 1302.10 *Appendix A; maximum prices for aluminum scrap.*

[F. o. b. point of shipment]

| | Column I Maximum price (cents per pound) in lots less than 1,000 pounds | Column II Maximum price (cents per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 to 30,000 pounds (if shipped by rail) | Column III Maximum price (cents per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail) |
|------------------------------------|--|---|--|
| Grade of aluminum scrap | | | |
| Plant scrap: | | | |
| Segregated 2S: | | | |
| Clips or other 2S solids. | 10 | 11 | 11½ |
| Mixed clips or other mixed solids. | 8½ | 9½ | 10 |
| Segregated borings and turnings. | 7½ | 8½ | 9 |
| Mixed borings and turnings. | 6½ | 7½ | 8 |
| Obsolete scrap: | | | |
| Pure cable. | 10 | 11 | 11½ |
| Old sheet and utensils. | 9½ | 10½ | 11 |
| Old castings and forgings. | 10 | 10½ | 11 |
| Pistons free of struts. | 10 | 10½ | 11 |
| Pistons with struts. | 8 | 8½ | 9 |

NOTE 1. *Segregated solid plant scrap other than 2S.* Maximum prices are not established for solid plant scrap other than 2S which is segregated, identified, handled, sold, and delivered in accordance with Supplementary Order M-1-d (7 F.R. 160) or other instructions and regulations issued by the Director of Priorities, Office of Production Management; scrap of this description is therefore not subject to the Price Schedule. "Plant Scrap" means scrap which is generated in the course of fabrication or manufacture and includes new material or parts rejected or discarded because defective, damaged in processing, or otherwise unfit for use. The terms "Solids" and "Solid Plant Scrap" mean plant scrap generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap. Scrap shall not be deemed "Segregated", whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified and handled as to be acceptable for reprocessing into aluminum of the original alloy specifications without the necessity for other than routine examination by the processor.

NOTE 2. *Low-grade or contaminated scrap.* Maximum prices may be charged and paid only for scrap of the respective grades which meets generally accepted maximum standards

of the trade. Low-grade scrap, scrap which is not clean and dry or which is otherwise contaminated, and scrap which for any other reason fails to meet such maximum standards, must be sold at prices proportionately below the established maximum prices. It is particularly important that proper deduction be made for oil, water and other forms of contamination contained in borings, turnings and similar machinings.

NOTE 3. *Quantity differentials.* The requisite quantities for which premiums are provided in Columns II and III, above, may consist of various grades of aluminum scrap, but other metals may not be included for the purpose of making up such quantities. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

NOTE 4. *Aluminum foil.* Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

§ 1302.11 Appendix B; maximum prices for secondary aluminum ingot.

[F. o. b. Point of Shipment]

| Grade of secondary aluminum ingot: | Maximum price (cents per pound) in quantities of 30,000 pounds or more |
|---|--|
| 98 percent pure aluminum ingot..... | 15 |
| Silicon alloys..... | 15 |
| Piston alloys..... | 14½ |
| No. 12 aluminum..... | 14½ |
| Deoxidizing aluminum, notch-bar, granulated, or shot..... | 13½ |
| (2¢ extra for Special Shapes) | |

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

| Quantity: | Premium (cents per pound) |
|------------------------------|---------------------------|
| 10,000 to 30,000 pounds..... | ¼ |
| 1,000 to 10,000 pounds..... | ½ |
| Less than 1,000 pounds..... | 1 |

This amendment No. 6 shall become effective January 13, 1942. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483.)

Issued this 9th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-272; Filed, January 10, 1942; 10:43 a. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 60¹—DIRECT-CONSUMPTION SUGARS

Sections 1334.51, 1334.52, and 1334.55 are hereby amended to read as follows, and paragraph (g) of § 1334.59 is hereby deleted:

§ 1334.51 *Maximum prices for sales of direct-consumption sugars by primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no primary distributor shall sell, offer to sell, deliver or transfer

direct-consumption sugars at prices higher than the maximum prices established by this section. These maximum prices are gross prices and shall include prevailing commissions, discounts, and all other charges.

(a) (1) The maximum basis price for fine granulated sugar processed by continental United States cane sugar refineries shall be \$5.45 per one hundred pounds f. o. b. refinery.

(2) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be \$5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(3) (i) The maximum basis price for fine granulated sugar delivered to the continental United States from offshore areas shall be \$5.40 per one hundred pounds duty-paid basis, f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(ii) The maximum price for turbinado, washed-white, or similar sugar for direct consumption delivered to the continental United States from offshore areas shall be \$5.20 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(4) The maximum basis price for direct-consumption sugars other than those sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (b) (1) of this section, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white and high-washed sugars, shall be \$5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(5) The respective maximum basis prices established in subparagraphs (a) (1), (a) (2), (a) (3) (1), and (a) (4), of this section shall each be adjusted for grade and package differentials in accordance with the seller's differentials therefor published or in effect on December 1, 1941.

(6) The maximum delivered price for each of the sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (a) (4) of this section, respectively, shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the transportation charges per one hundred pounds on a shipment of identical quantity from the refinery from which the lowest established transportation rate applies to the point of delivery. Such transportation rate shall be based on the mode of transportation and routing employed by the basing point refinery on December 1, 1941, in calculating the "freight application" or "selling prepay" to the point of delivery; provided, for deliveries in a refinery city metropolitan area, the maximum delivered price shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the delivery charge per one hundred pounds on an identical shipment based on the cartage rates employed by the seller on December 1, 1941.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees, polarization, of domestic or foreign origin, shall be \$4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum prices specified in subparagraph (b) (1) of this section, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of this Schedule.

§ 1334.52 *Maximum prices for sales of direct consumption sugars at wholesale by persons other than primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer direct-consumption sugars at wholesale, and no person shall buy, offer to buy, or accept delivery of direct-consumption sugars at wholesale at prices higher than the maximum prices established by this section. These maximum prices are gross prices and include prevailing commissions, discounts, and all other charges.

(a) The basic maximum price shall be the highest price at which the seller sold such sugars of similar grade, package, and amount to a similar purchaser during either the period October 6, 1941 to October 11, 1941, inclusive, or the period December 1, 1941, to December 6, 1941, inclusive. The seller may select either period at his option. However, once having selected a period, the seller must use the period selected for all purposes of this section. The maximum price for sugars acquired subsequently at a higher net purchase cost shall be determined by adding to the basic maximum price the amount, if any, by which the said higher net purchase cost exceeds the net purchase cost of the sugars upon which the basic maximum price was based, provided the seller has first sold his entire inventory of lower cost sugars, and provided further, in calculating said maximum prices, the amount by which any net purchase cost exceeds the maximum prices established by § 1334.51 shall not be included.

(b) These maximum prices shall include at least the same absorption of transportation costs, and other charges, and at least the same rendition of services, as were or would have been absorbed or rendered by the seller on comparable shipments to the same place of destination during the period selected by the seller as provided for in paragraph (a) of this section.

(c) In cases where a person makes sales of such sugars through more than one selling unit, other than salesmen making sales at uniform prices, each such unit shall be deemed to be a separate entity for the purpose of determining the maximum prices established by this section.

§ 1334.55 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a pur-

¹ 6 F.R. 6651.

chase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors or during the period selected by the seller as provided for in paragraph (a) of § 1334.52, or by any other means. (Executive Orders Nos. 8734, 8875, 6 Fed. Reg. 1917, 4483)

This amendment No. 1 shall become effective January 9, 1942. Issued this 9th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-263; Filed, January 9, 1942;
3:09 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS
AMENDMENT NO. 1 TO PRICE SCHEDULE NO.
58—WOOL AND WOOL TOPS AND YARNS

Section 1354.1 of Price Schedule No. 58¹ is hereby amended by adding thereto the following new subparagraph (4) to paragraph (b) thereof:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

(b) * * *

(4) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

This Amendment No. 1 shall become effective January 10, 1942.

Issued this 10th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-289; Filed, January 12, 1942;
10:44 a. m.]

PART 1358—TOBACCOS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO.
62—CIGARETTES

Section 1358.1 is hereby amended to read as follows and § 1358.8 is hereby amended by adding thereto the following new paragraph (d):

§ 1358.1 *Maximum prices for cigarettes.* On and after December 30, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person manufacturing cigarettes shall sell, offer to sell, deliver or trans-

fer any brand of cigarettes at prices higher than those charged for such brand by said person for a similar quantity to a similar purchaser on December 26, 1941, or, in the event no sale was made on said date, at prices higher than the prices he would have charged on said date for a similar quantity to a similar purchaser; *except*, that any manufacturer of regular size economy cigarettes may sell such cigarettes at a price not higher than \$5.15 per thousand less 10 percent and 2 percent.

§ 1358.8 *Definitions.*

(d) "Economy cigarettes" means cigarettes frequently referred to as ten-cent brands including Avalons, Dominos, Marvels, Paul Jones, Sensations, and Twenty Grands (but not including "king size" economy cigarettes) which are commonly sold for less than such so-called popular brands as Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, and Raleighs.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 9, 1942.

Issued this 9th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-264; Filed, January 9, 1942;
4:34 p. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE
NAVY

Correction

The caption of Part 16 in F.R. Doc. 42-240 appearing in the issue for January 10, 1942 at page 206, is corrected to read as follows:

PART 16—USE, CONTROL, SUPERVISION, INSPECTION OR CLOSURE OF RADIO STATIONS ON ALL VESSELS UNDER THE JURISDICTION OF THE UNITED STATES

TITLE 49—TRANSPORTATION AND
RAILROADS

CHAPTER I—INTERSTATE COM-
MERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL
REPORTS

ORDER IN THE MATTERS OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES AND THE CORRESPONDING SECTION OF THE CODE OF FEDERAL REGULATIONS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of December A. D. 1941.

§ 120.11a *Supplement to form prescribed for large and medium steam roads.* (a) That in addition to and separately from annual reports of individual operating companies, those steam railway companies which had railway operating revenues of \$10,000,000.00 or

more for the year 1941 (except such steam railway companies as are subsidiaries of other steam railway companies) shall file consolidated statistical statements for the year ended December 31, 1942, and annually thereafter in the form of a balance sheet, income statement, and profit and loss account, in accordance with Schedules A to C, inclusive, attached hereto, which are hereby approved and made a part of this order,¹ and shall as early as practicable after January 1, 1942, maintain their books of account and other records in such manner as may be necessary for the elimination of intercompany transactions and the preparation of the aforesaid consolidated statistical statements.

(b) The first column of each of these schedules shall show the book figures of the respondent before eliminations followed by (a) columns showing the same data for each subsidiary company as defined in paragraph (c) of this section, except that the accounts of all companies proprietary to the respondent may be combined in a single column, (b) a column showing the group totals before eliminations, (c) a column showing eliminations, and (d) a column showing net consolidated totals after eliminations.

(c) Such consolidated statistical statements shall be a summation portraying the combined accounts of respondent and all subsidiary companies before and after eliminating intercompany transactions. For this purpose the term "subsidiary companies" shall be construed as including (1) all lessor transportation companies, regardless of the extent of stock ownership, the properties of which are operated by either the respondent or other controlled companies within the group consolidated, and (2) all other corporations more than 50 percent of the voting securities of which is directly or indirectly controlled within the group, except that switching and terminal companies which are operated as joint facilities with companies outside the group shall be excluded from such consolidated statistical statements.

(d) The consolidated statistical statements shall be accompanied by (1) a list of subsidiary companies, as defined in paragraph (c) of this section, which are included within the group consolidated, and (2) a list of subsidiary companies, as so defined, which are excluded from such group. These statements shall be in the form shown by Schedules D and E attached hereto, which are hereby approved and made a part of this order.

(e) If in the judgment of the respondent, it appears that the application of the definition of the term "subsidiary companies", as defined in paragraph (c) of this section, will result in including in the consolidated statistical statements any subsidiary which should be omitted from, or in excluding therefrom any subsidiary which should be included in, such statements under sound accounting principles governing the preparation of consolidated statements, respondent shall apply to the Commission for a ruling as to their inclusion or exclusion, stating

¹ Filed with the original document.

¹ 6 F.R. 6551.

² 6 F.R. 6854.

the relevant facts^{*} and the accounting principles regarding consolidated statements which it believes applicable thereto.

(f) In preparing the consolidated statistical balance sheet statement the following procedure shall be observed:

(1) The assets and liabilities as stated on the books of account of the respondent and its subsidiary companies shall be used in making the consolidated statistical balance sheet statement except as provided in paragraph (f) (2).

(2) All intercompany items within the consolidated group shall be eliminated from the net assets and liabilities as stated on the books of account. The amounts of such eliminations shall be entered in the eliminations column on Schedule A, and the net totals after eliminations entered in the column provided therefor on that schedule. Differences arising from such eliminations shall be variously disposed of as follows:

(i) Differences between intercompany investments in capital stock and the book equity (par value of capital stock, or recorded value of no par stock, plus the proportion, based on equity accruing to respondent both direct and indirect, of surplus and unreleased premium, or minus the proportion of deficit and unextinguished discount applicable thereto as stated in the subsidiary's accounts) shall be entered opposite "(a) Investments in capital stock" under the item of "Consolidation excess" or "Consolidation surplus" dependent upon whether the cost was in excess of or less than, respectively, the book equity. The offset to the amounts of surplus or deficit considered as "Consolidation excess" or "Consolidation surplus" shall be shown as an elimination opposite the item "Appropriated Surplus—Equity of—A. Stockholders of respondent" or "Profit and Loss Balance—Equity of—A. Stockholders of respondent", as appropriate. This computation shall be made as of the first date that control by respondent became effective. For this purpose the balance reflected in the surplus accounts of the issuing company at date of acquisition of control, without regard to items audited in the current period which have not been cleared to those accounts, may be used.

(ii) Differences arising from additional purchases of capital stock in the open market after the initial acquisition of control shall be computed in a manner

similar to that prescribed in paragraph (f) (2) (i), the amount of surplus or deficit to be considered as "Consolidation excess" or "Consolidation surplus" being the percentage proportion of the additional stock purchased to the total stock outstanding.

(iii) Differences arising from additional purchases of capital stock direct from a subsidiary shall be predicated on the difference between the cost and the par value of the stock (plus unreleased premium or minus unextinguished discount applicable thereto) acquired and the difference between the respondent's equity in the surplus or deficit immediately prior and subsequent to such additional purchases, these differences being treated in the manner prescribed in paragraphs (f) (2) (i) and (ii).

(iv) In the event of issuance by a subsidiary company of additional capital stock to outsiders, the respondent's equity in the surplus or deficit immediately prior and subsequent to such additional issuance shall be computed and the difference treated as an adjustment of "Consolidation excess" or "Consolidation surplus", the offset being shown as an elimination opposite "Appropriated Surplus—Equity of—A. Stockholders of respondent" or "Profit and Loss Balance—Equity of—A. Stockholders of respondent", as appropriate.

(v) In computing the elimination of surplus incident to the acquisition of initial control or to additional acquisitions consideration shall be given to any preference therein inherent in any preferred stock which might be involved.

(vi) Differences between the accumulated funded indebtedness (face amount plus the proportion of any unreleased premium or less the proportion of any unamortized discount stated in the accounts applicable thereto at date of acquisition) on the books of a debtor subsidiary company and the costs thereof stated in the accounts of the creditor company shall be treated as "Consolidation excess" or "Consolidation surplus", as appropriate, and shown opposite "(b) Investments in funded indebtedness," under those items on the consolidated statistical balance sheet statement.

(vii) Differences resulting from instances where securities or other assets of respondent or subsidiary companies within the group consolidated have been acquired by other companies in the group, or advances have been made by one company within the group to another company therein and the amounts originally stated in the accounts of the creditor company have later been written down without a like reduction having been made in the accounts of the debtor company the amounts of such write-downs shall be shown on the consolidated statistical balance sheet statement opposite the item "Adjustments for write-downs of assets." Amounts of liabilities such as interest and rents payable, etc., recorded in the accounts of a debtor subsidiary but not recorded in the accounts of the creditor company for the reason that payment was not reasonably assured shall also be

shown opposite that item, or treated as an elimination from profit and loss as may be desired.

(viii) Differences resulting from the elimination of intercompany items (other than capital stock and funded debt specifically dealt with in paragraphs (f) (2) (i) to (vi), inclusive, and items of the class referred to in paragraph (f) (2) (vii)) occasioned by amounts being stated in the accounts of one company within the consolidated group without contra accounting being stated in the accounts of another company therein, such as bills collectible of one company not vouchered or otherwise taken into account by the other company; items vouchered and accounted for by the debtor company in advance of contra accounting by the creditor company, etc., shall be shown on the consolidated statistical balance sheet statement opposite the item "Adjustments of group assets (Delayed accounting)" or "Adjustments of group liabilities (Delayed accounting)", as appropriate, preceding "Consolidation excess" and "Adjustments for write-downs of assets", respectively.

(3) All shares of respondent's capital stock owned by a subsidiary company included in the consolidated group, other than such stock owned by a noncontrolled lessor company, shall be treated in the consolidated statistical balance sheet statement as treasury stock in the same manner as though reacquired by the respondent.

(4) (i) The appropriated surplus and profit and loss balance on the consolidated statistical balance sheet statement shall be subdivided to show (a) equity of stockholders of respondent and (b) equity of stockholders of subsidiaries other than respondent. The equity of stockholders of respondent shall be confined to the accumulated balance in the respondent's surplus account from date of its inception plus their interest in the surplus of subsidiaries arising since the dates of acquisition of control. The equity of stockholders of subsidiaries other than respondent shall be their interest in the accumulated surplus of the subsidiaries from the dates of their inception.

(ii) The equity of the stockholders of respondent in the appropriated surplus and profit and loss balances of subsidiaries subsequent to acquisition of control shall be the percentage of their direct ownership interest in the stock of such subsidiaries plus the percentage of their indirect interest through any other subsidiary, appropriate consideration being given to its equity inherent in any preferred stock which might be involved. The equity of stockholders of subsidiaries other than respondent in the appropriated surplus and profit and loss balances of the subsidiaries from the dates of their inception shall be computed in a similar manner. The equities so computed shall be shown opposite the items provided therefor on the consolidated statistical balance sheet statement.

(iii) A statement showing a detail of the interest of stockholders of respondent

^{*} The following situations are intended for illustration only and are not a part of this order: Facts relevant to such exclusion, for example, might be: Operations are unrelated to those of respondent or any subsidiary; subsidiary is about to be disposed of; subsidiary, because of receivership, etc., is not controlled; and a foreign subsidiary involving conditions which would preclude the practicability of including in the consolidated group. Facts relevant to inclusion might be: Ability to obtain proxies from other stockholders; inactivity of other stockholders who take no part in meetings; ownership of voting stock by persons having subordinated interests; contractual relationship as a creditor or otherwise substantially limiting control through stock ownership.

ent and of stockholders of subsidiaries other than respondent in the voting capital stock and in the total surplus of subsidiary companies, in the form of Schedule F, which is hereby approved and made a part of this order, shall accompany the consolidated statistical statements.

(5) In the event that the accounts of noncontrolled lessor transportation companies contain assets and liabilities, such as cash, security investments, etc., which are not subject to the direct control of or use by the respondent, appropriate footnotes shall be inserted on the consolidated statistical balance sheet statement to show the extent to which the amounts thereon include such assets and liabilities. Related income and profit and loss items shall be accorded similar treatment on the consolidated statistical income and profit and loss statements.

The amount of funded debt of non-controlled lessor companies not guaranteed as to principal by the respondent or by a subsidiary company controlled directly or indirectly by the respondent shall be shown as a separate item opposite the captions provided therefor on the consolidated statistical balance sheet statement.

(g) In preparing the consolidated statistical income and profit and loss statements the income and profit and loss accounts of the respondent and of its subsidiaries for the year shall be combined and all intercompany transactions within the consolidated group relating to accounts not included in determining net railway operating income, except accounts relating to miscellaneous rent income and miscellaneous rents, shall be eliminated. The amounts of such eliminations shall be shown in the eliminations column on the consolidated statistical income and profit and loss statements, and the net totals after eliminations entered in the column provided therefor on those statements. The net elimination differences shall be shown on those statements opposite the item "Equity of—Stockholders of respondent", except that the elimination of profit and loss items for the year incident to the acquisition during the year by the respondent or by a subsidiary company within the group of capital stock of another subsidiary, shall be shown opposite the item "Consolidation excess" or "Consolidation surplus", as appropriate, on the consolidated statistical profit and loss statement, the contra being shown as an elimination opposite "Equity of—Stockholders of respondent."

(h) The consolidated statistical statements for the year ended December 31, 1942, shall be filed in triplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, 1943, and all requests for the inclusion or exclusion of companies under the terms of paragraph (e) of this section shall be addressed to the said Bureau. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat.

441, secs. 434-438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)-(10)).

EXPLANATORY NOTE: Copies of this supplement to Annual Report Form A are supplied to carriers specified in paragraph (a) of this section.

The following are the statistical and/or accounting schedules contained in the report form: Schedule A, Consolidated Statistical Statement of Balance Sheet; Schedule B, Consolidated Statistical Statement of Income Account; Schedule C, Consolidated Statistical Statement of Profit and Loss Account; Schedule D, List of Subsidiary Companies Included in Consolidated Statistical Statements; Schedule E, List of Subsidiary Companies Excluded from Consolidated Statistical Statements; and Schedule F, Detail of Interest of Stockholders of Respondent and of Minority Stockholders of Subsidiaries in the Voting Capital Stock and in the Total Surplus of Subsidiary Companies.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-301; Filed, January 12, 1942;
12:02 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942, Department Circular No. 676]

2 PERCENT TREASURY BONDS OF 1949-51: DATED AND BEARING INTEREST FROM JANUARY 15, 1942, DUE JUNE 15, 1951, REDEEMABLE AT THE OPTION OF THE UNITED STATES AT PAR AND ACCRUED INTEREST ON AND AFTER JUNE 15, 1949, INTEREST PAYABLE JUNE 15 AND DECEMBER 15

JANUARY 12, 1942.

I. OFFERING OF BONDS AND INVITATIONS FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1949-51, the amount of the offering to be limited to the amount of securities tendered and accepted as provided in the following subparagraphs:

(a) *Treasury Notes of Series A-1942.* Treasury Notes of Series A-1942, maturing March 15, 1942, will be accepted in payment for Treasury bonds subscribed for hereunder.

(b) *3 Percent Federal Farm Mortgage Corporation Bonds of 1942-47.* The Secretary of the Treasury offers to apply the proceeds of payment of 3 percent Federal Farm Mortgage Corporation bonds of 1942-47, called for redemption on January 15, 1942, tendered for payment in accordance with sections III and IV of this circular, to payment for Treasury bonds subscribed for hereunder. Tenders of 3 percent Federal Farm Mortgage Corporation bonds of 1942-47 for that purpose are invited.

(c) *2 3/4 Percent Federal Farm Mortgage Corporation Bonds of 1942-47.* The Secretary of the Treasury, on behalf of the Federal Farm Mortgage Corporation, offers to purchase on January 15, 1942, at par and accrued interest, 2 3/4 percent Federal Farm Mortgage Corporation bonds of 1942-47, called for redemption on March 1, 1942, to the extent to which the holders thereof subscribe for Treasury bonds hereunder. Tenders of 2 3/4 percent Federal Farm Mortgage Corporation bonds of 1942-47 for that purpose are invited.

(d) *Reconstruction Finance Corporation Notes of Series R.* The Secretary of the Treasury offers to apply the proceeds of payment of Reconstruction Finance Corporation notes of Series R, maturing January 15, 1942, tendered for payment in accordance with Sections III and IV of this circular, to payment for Treasury bonds subscribed for hereunder. Tenders of Series R notes for that purpose are invited.

II. DESCRIPTION OF BONDS

1. The bonds will be dated January 15, 1942, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1951, but may be redeemed at the option of the United States on and after June 15, 1949, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000, and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington, and should be accompanied by securities of one or more of the issues enumerated in section I hereof, tendered for payment or purchase as the case may be, to an aggregate par amount equal to the par amount of Treasury Bonds of 1949-51 subscribed for hereunder. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for bonds allotted hereunder must be made on or before January 15, 1942, or on later allotment and may be made only in Treasury Notes of Series A-1942 or through application of the principal proceeds of payment of 3 percent Federal Farm Mortgage Corporation bonds of 1942-47, 2¾ percent Federal Farm Mortgage Corporation bonds of 1942-47, or Reconstruction Finance Corporation notes of Series R, in an aggregate par amount equal to the amount of bonds allotted hereunder. Coupons dated March 15, 1942, must be attached to Treasury Notes of Series A-1942 when surrendered, and accrued interest from September 15, 1941, to January 15, 1942 (\$5.89779 per \$1,000) will be paid following acceptance of the notes. Coupons dated March 1, 1942, must be attached to 2¾ percent Federal Farm Mortgage Corporation bonds of 1942-47 in coupon form and accrued interest from September 1, 1941, to January 15, 1942 (\$10.33149 per \$1,000) will be paid following acceptance of the bonds. In the case of registered bonds of either issue, checks in payment of final interest will be drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.* 3 percent and 2¾ percent Federal Farm Mortgage Corporation bonds of 1942-47 in coupon form tendered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated July 15, 1942, and March 1, 1942, respectively, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must

No. 8—3

be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* 3 percent and 2¾ percent Federal Farm Mortgage Corporation bonds of 1942-47 in registered form tendered hereunder should be assigned by the registered payees or assignees thereof in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. The proper forms of assignment are

(a) *Where 3 percent bonds are surrendered.* If the new bonds are desired registered in the same name as the bonds surrendered, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949-51"; if the new bonds are desired registered in another name, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949-51 in the name of _____"; if the new bonds are desired in coupon form, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949-51 in coupon form to be delivered to _____"

(b) *Where 2¾ percent bonds are surrendered.* If the new bonds are desired registered in the same name as the bonds surrendered, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949-51"; if the new bonds are desired registered in another name, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949-51 in the name of _____"; if the new bonds are desired in coupon form, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949-51 in coupon form to be delivered to _____"

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to

make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 42-291; Filed, January 12, 1942;
11:16 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. B-64, B-67, B-71, B-84, B-125]

IN THE MATTERS OF LEFT FORK FUEL COMPANY, INCORPORATED, PARIS MARTIN, A. H. ENGLAND, JAMES R. FOLEY, AND J. T. DANIELS, CODE MEMBERS, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings by Orders of the Director dated November 22, 1941, at the following times and places:

(1) In the Matter of Left Fork Fuel Company, Incorporated, Docket No. B-64, at 10:00 o'clock in the forenoon of January 21, 1942, at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia;

(2) In the Matter of Paris Martin, Docket No. B-67, and

(3) In the Matter of A. H. England, Docket No. B-71, at 10:00 o'clock in the forenoon of January 13, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky;

(4) In the Matter of James B. Foley, Docket No. B-84, at 10:00 o'clock in the forenoon of January 15, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

(5) In the Matter of J. T. Daniels, Docket No. B-125, at 10:00 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

The Acting Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same hereby are postponed to dates and at hearing rooms to be hereafter designated by an appropriate order, or orders, of the Division.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-276; Filed, January 12, 1942;
9:23 a. m.]

[Docket No. A-1193]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, duly filed with the Division by the above-named party on December 5, 1941, requests the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for all shipments except truck.

The petition requests the establishment of both Brazil and Staunton, Indiana as shipping points for the coals of Mine Index No. 189 of J. F. Durkin and the establishment of Catlin, Indiana as a shipping point for the coals of the Catlin Mine of the Catlin Coal Company.

Sufficient facts have not been set forth in the petition to warrant the establishment of two shipping points for the coals of Mine Index No. 189 and the matter of an additional shipping point should be set down for a hearing. No freight rates have been published for Catlin, Indiana and therefore no price classifications and minimum prices should be established for the coals of the Catlin Mine of the Catlin Coal Company for rail shipments originating at Catlin, Indiana without a hearing.

It appears, however, that a reasonable showing of necessity has been made for the granting of temporary relief for Mine Index No. 189 in the manner hereinafter set forth.

No petitions of intervention have been filed with the Division in the above-entitled matter and the following action is deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is supplemented to include price classifications and minimum prices set forth in the Schedule marked "Supplement" annexed hereto and hereby made a part hereof.¹

It is further ordered, That a hearing in Docket No. A-1193 under the applicable provisions of said Act and the rules of the Division be held on February 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to

preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Catlin Mine of the Catlin Coal Company in District No. 11 for rail shipments originating in Catlin, Indiana and for the establishment of Brazil, Indiana as an additional shipping point for the coals of Mine Index No. 189 in District No. 11.

Dated: January 10, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-277; Filed, January 12, 1942;
9:23 a. m.]

[Docket No. A-1180]

PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR 3/4" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

ORDER DENYING TEMPORARY RELIEF

The original petition in the above-entitled matter, filed with this Division by District Board No. 22, pursuant to sec-

tion 4 II (d) of the Bituminous Coal Act of 1937, requests revision of the effective price classifications and minimum prices for the coals, in certain size groups, produced from the Mills Mine (Mine Index No. 202) for shipment by truck; and a reduction from \$1.00 per ton to 95 cents per ton in the effective minimum price for the 3/4" slack coals produced from Mine Index No. 1 of the Gerber Coal Company where such coals are sold in carload lots to the Great Northern Railway Company for railway use.

The petitioner, in an amendment to its petition filed on December 26, 1941, reiterates its prayer that an order be immediately entered granting the temporary relief requested for the coals of Mine Index No. 1 of the Gerber Coal Company. It alleges that the need for such relief is urgent and that if the relief be not granted, the Gerber Coal Company will be unable to sell the 3/4" slack coal produced from its Mine Index No. 1 to the Great Northern Railway Company.

An answer to the original petition in this matter was filed by the Bituminous Coal Consumers' Counsel on December 11, 1941, (1) denying the allegations of fact set forth in paragraph 3 (B) of the original petition, (2) alleging that such allegations of fact do not support the request for a special minimum price of 95 cents per ton for shipment from the Gerber Coal Company, Mine Index No. 1, to the Great Northern Railway Company for railway use; and (3) praying that any price established for 3/4" x 0 slack coal produced in Subdistrict 1 of District No. 22 be made applicable to shipments of such sizes from all mines in that subdistrict and to shipments to all market areas for all uses, with no greater price adjustments among areas than necessary to be consistent with those for comparable size groups.

Petitioner's request for immediate temporary relief, together with the reasons relied upon by petitioner for the granting thereof, have been given careful consideration and it appears that the granting of such relief would unduly prejudice other interested persons in advance of the hearing, and further, that no sufficiently clear showing has been made that petitioner is entitled to the relief sought. The hearing in this matter is scheduled to be held on January 12, 1942 at Washington, D. C. at which time the question of granting temporary relief pending final determination can be thoroughly explored.

Now, therefore, it is ordered, That the prayer of the petitioner in this matter for the granting of immediate temporary relief for the coals of the Mills Mine (Mine Index No. 202) and for the 3/4" slack coals of the Gerber Coal Company, Mine Index No. 1, in District No. 22, be and the same hereby is denied.

Nothing herein contained shall be construed as an expression of the Division in regard to the final disposition of the issues presented by the original petition as amended.

Dated: January 10, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-278; Filed, January 12, 1942;
9:23 a. m.]

¹ Not filed with the original document.

[Docket No. 1668-FD]

IN THE MATTER OF H. & H. COAL COMPANY,
EMERY HOUGHTON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on April 18, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the H. & H. Coal Company (Emery Houghton), the defendant, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by shipping by truck during the months of February and March 1941, 100 or more tons of screenings produced at its mine (Mine Index No. 532), located near Hamilton, Iowa, to the Iowa Power and Light Company at delivered prices of \$2.30 to \$2.40 per ton, whereas the effective delivered rail price for such coal is \$2.54 per ton, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing in this matter having been held on September 16, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated November 19, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, the H. & H. Coal Company (Emery Houghton), operating Mine Index No. 532, located near Hamilton, Iowa, be and it is hereby revoked and cancelled;

And it is further ordered, That prior to any reinstatement of the defendant, H. & H. Coal Company, or any of the individual partners thereof, Harley E. Houghton or Emery Houghton, to membership in the Code, the defendant or

any of the partners therein shall pay to the United States a tax in the amount of \$51.80, as provided, in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 9, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.[F. R. Doc. 42-279; Filed, January 12, 1942;
9:24 a. m.]

[Docket No. 1751-FD]

IN THE MATTER OF MELVIN FOSTER,
DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on May 28, 1941, by District Board No. 11, alleging that Melvin Foster, defendant, a code member in District No. 11, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code, and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Shoals, Indiana, on September 29, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an Order be entered directing the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Melvin Foster, his representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code,

the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and appropriate orders of the Division.

It is further ordered; That the Division may upon the failure of the defendant herein to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant carries on business for enforcement thereof or take any other appropriate action.

Dated: January 9, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.[F. R. Doc. 42-280; Filed, January 12, 1942;
9:24 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL AND COKE
COMPANY, INC., REGISTERED DISTRIBUTOR,
REGISTRATION No. 4541, CODE MEMBER, RESPONDENT

ORDER GRANTING EXTENSION OF TIME IN WHICH TO FILE APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDINGS WITHOUT FORMAL HEARING

The above-entitled matter having been scheduled for hearing at a hearing room of the Bituminous Coal Division (the "Division"), in Room 806, Walker Building, Washington, D. C., on December 13, 1941, pursuant to an Order of the Director dated October 24, 1941, as amended by Order dated November 22, 1941, and subsequently postponed by Order of the Acting Director dated December 4, 1941, to a date and a hearing room to be thereafter designated by an appropriate Order; and

The respondent having requested an extension of time in which to file a verified application pursuant to § 301.132 of the Rules and Regulations of the Division Governing Disposition of Compliance Proceedings Without Formal Hearing;

It is ordered, That the time within which the respondent is required to file such verified application for disposition hereof without formal hearing be, and the same is, hereby extended for a period of fifteen (15) days from the date hereof; and

It is further ordered, That Orders of the Division dated October 24, 1941, November 22, 1941, and December 4, 1941, except as heretofore modified, shall in all other respects remain in full force and effect.

Dated: January 10, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.[F. R. Doc. 42-281; Filed, January 12, 1942;
9:25 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWALS NOS.
157 AND 170 ENLARGED

ALASKA

It appearing that the boundaries of Air Navigation Site Withdrawal No. 157

at Iliamna, as defined by departmental orders of April 19 and October 28, 1941, should be extended to include an area of 2,500 acres, and the boundaries of Air Navigation Site Withdrawal No. 170 at Tanacross, Alaska, as defined by a departmental order of November 28, 1941, extended to include an area of 1,610 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that such areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce as additions to the sites, the boundaries of the sites as so enlarged being described as follows:

Beginning at a wooden post 4 in. square on the north shore of Iliamna Lake, from which a wooden post 4 in. square marked corner No. 1 bears N. 18°12' W., 764.3 feet and N. 86°52' W., 500 feet, in approximate latitude 59°44'30" N., longitude 154°51' W. Thence by metes and bounds:

S. 15°48' W., 400.0 feet;
N. 1°12' W., 560.0 feet;
S. 70°00' W., 17,100.0 feet;
N. 20°00' W., 5,280.0 feet;
N. 70°00' E., 24,000.0 feet;
S. 20°00' E., 3,200.0 feet; to north shore of Iliamna Lake;

Southwesterly, 8,500.0 feet, along north bank of Iliamna Lake to point of beginning, containing 2,820 acres;

Beginning at a spruce post 4 in. square on the left bank of the Tanana River at the north end of the center line of the constructed runway of the existing landing field, approximately ½ mile southwest of the village of Tanacross, Alaska, in approximate latitude 63°23' North, longitude 143°21' West. Thence by metes and bounds:

N. 57°45' E., 600.0 feet;
S. 77°15' E., 353.6 feet;
S. 32°15' E., 1,300.0 feet;
N. 57°45' E., 4,000.0 feet;
S. 32°15' E., 19,400.0 feet;
S. 57°45' W., 6,650.0 feet;
N. 32°15' W., 21,750.0 feet; to the left bank of the Tanana River; thence along the left bank of the Tanana River, upstream 2,040 feet to place of beginning, containing approximately 3,025 acres.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 5, 1942.

[F. R. Doc. 42-287; Filed, January 12, 1942;
10:04 a. m.]

REGULATIONS FOR THE SALE OF LOTS IN FORD AND FIRST ADDITION TO FORD TOWNSITES, CALIFORNIA

[Circular No. 1501]

1. *Statutory authority.* The unre-served and undisposed of lots in the original Ford and First Addition to Ford Townsites, California, will be disposed of under Section 2381, Revised Statutes. The plat of survey of Ford Townsite was accepted April 3, 1924 and that of the First Addition to Ford was accepted May 15, 1926.

2. *Area and price.* The area and minimum price of the lots which will be offered for sale are as follows:

ORIGINAL FORD TOWN SITE

| Block | Lot | Area in square feet | Reappraisal |
|---------|-----|---------------------|-------------|
| 16..... | 11 | 7,000 | \$325.00 |

FIRST ADDITION TO FORD

| | | | |
|---------|----|-------|----------|
| 3..... | 4 | 7,000 | \$210.00 |
| 5..... | 13 | 7,000 | 340.00 |
| 5..... | 4 | 7,000 | 260.00 |
| 6..... | 13 | 7,000 | 350.00 |
| 6..... | 14 | 7,000 | 345.00 |
| 6..... | 23 | 7,000 | 230.00 |
| 6..... | 24 | 7,000 | 240.00 |
| 9..... | 9 | 7,000 | 225.00 |
| 11..... | 8 | 6,440 | 350.00 |
| 12..... | 7 | 6,467 | 540.00 |
| 12..... | 9 | 6,473 | 750.00 |
| 12..... | 10 | 6,476 | 950.00 |
| 13..... | 6 | 7,000 | 220.00 |
| 14..... | 11 | 7,000 | 250.00 |
| 15..... | 4 | 7,000 | 240.00 |
| 16..... | 12 | 7,000 | 220.00 |
| 17..... | 5 | 7,000 | 240.00 |
| 17..... | 6 | 7,000 | 240.00 |
| 17..... | 13 | 7,000 | 240.00 |
| 17..... | 14 | 7,000 | 240.00 |
| 17..... | 18 | 7,000 | 250.00 |
| 22..... | 7 | 7,000 | 250.00 |
| 23..... | 6 | 7,000 | 250.00 |
| 25..... | 1 | 6,483 | 960.00 |
| 25..... | 2 | 6,486 | 760.00 |
| 25..... | 4 | 6,492 | 950.00 |

3. *Public sale.* On Saturday, February 21, 1942, at 10 a. m., a sale at public auction to the highest bidder of the lots enumerated above will be held in front of the Jefferson School on block 15 of the original Ford Townsite. Notices of the sale will be posted for thirty days on each lot to be offered, in the District Land Office at Sacramento and in the post offices at Taft and Ford, California. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered.

4. *Terms of sale.* No lot shall be sold for less than the appraised price. Full payment for the lots may be made in cash on the date of sale, or one-fourth of the purchase price in cash and the balance in not to exceed three annual installments with interest at 4 per cent per annum on the deferred payments. The deferred payments are to be made to the Register, District Land Office at Sacramento, California.

5. *Authority of Superintendent.* The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots and after all lots have been offered, he will close the sale. If any person who has made partial payment on the lot purchased fails to make any succeeding payment, required under these regulations, at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot after forfeiture is declared will be subject to disposition. Lots remaining unsold at the close of the sale, or thereafter declared forfeited will be subject to private entry for cash at the District Land Office at Sacramento, California.

6. *Reservations.* By the terms of the Orders eliminating the lands embraced in these town sites from Naval Petroleum Reserve No. 2, all oil and gas deposits therein are retained in the Naval Reserve

for the use and benefit of the Navy. Therefore, patent will be issued subject to the conditions and limitations of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121-123).

7. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code of the United States (U.S.C., title 18, sec. 113).

FRED W. JOHNSON,
Commissioner.

Approved: December 31, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-288; Filed, January 12, 1942;
10:05 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division.

[Administrative Order No. 139]

NOTICE OF CHANGE OF DATE OF CONVENING OF INDUSTRY COMMITTEE NO. 39 FOR THE TEXTILE INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby postpone the date of the convening of Industry Committee No. 39 for the Textile Industry from January 21, 1942 to January 22, 1942, at 10:00 A. M.

Signed at Washington, D. C., this 9th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-297; Filed, January 12, 1942;
11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 12, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner

provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Atlantic Rug Manufacturing Company, 34 East 29th Street, New York, N. Y.; Carpet and Rug; 16 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooking Machine Operator; March 9, 1942.

Eaton Paper Corporation, S. Church Street, Pittsfield, Massachusetts; Converted Paper Products; 15 learners; 160 hours for any one learner; 33 cents per hour; Machine Operators, Hand Operations; March 23, 1942.

Florida Cigar Company, E. Jefferson Street, Quincy, Florida; Cigar Industry; 10 percent; 6 months for any one learner; 75% of the applicable minimum; Cigar Making (Rolling); January 12, 1943.

I. Lewis Cigar Manufacturing Company, Morgan Street, Selma, Alabama; Cigar Industry; 25 learners; 320 hours, 160 hours, 320 hours respectively for any one learner; 75% of the applicable minimum wage; Cigar Machine Operating, Machine Stripping, Packing (Machine); May 16, 1942. (This certificate effective January 10, 1942.)

The New England Guild, 252 Spring Street, Portland, Maine; Carpet and Rug; 5 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooking Machine Operator; March 9, 1942.

Wilson Memindex Company, 163 St. Paul Street, Rochester, New York; Luggage and Leather, Converted Paper Products; 1 learner; 8 weeks for any one learner; 30 cents per hour; Making leather pocket card cases, feeding and operating printing presses, automatic card cutting machines, leather folding machines, round-cornering machines and hand presses, and assembling orders for shipment and other operations in the manufacture of "Memindex" products; April 2, 1942. (This certificate effective January 8, 1942, and omitted from Register of that date.)

Sport Products, Incorporated, 1820 John Street, Cincinnati, Ohio; Athletic Equipment; 10 learners; 320 hours for any one learner; 30 cents per hour; Sewing Machine Operator on Athletic Equipment; March 23, 1942.

Valley Falls Hill Rug and Carpet, 69 Leedham Street, South Attleboro, Massachusetts; Textiles; 1 learner; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; March 9, 1942.

Signed at Washington, D. C., this 12th day of January 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-298; Filed, January 12, 1942; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 12, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Cable Raincoat Company, 72 Northampton Street, Boston, Massachusetts; Raincoats; 5 percent (T); January 12, 1943.

Cohen-Fein Company, Inc., 199 South Washington Street, Wilkes-Barre, Pennsylvania; Jackets, Mackinaws and Sportswear; 5 learners (T); January 12, 1943.

The Drybak Corporation, 67 Frederick Street, Binghamton, New York; Coats; 24 learners (E); May 11, 1942.

E. Gutman and Sons, 26th and Reed Streets, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); January 12, 1943.

H. B. Levens Manufacturing Company, 417 Hennepin Avenue, Minneapolis, Minnesota; Trousers; 5 learners (T); July 12, 1942.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; Slack Suits and Skirts; 5 learners (T); January 12, 1943.

Pioneer Coat Front Company, 1027 Callowhill Street, Philadelphia, Pennsylvania; Coat Fronts; 5 percent (T); January 12, 1943.

Sabel and Schaps, Inc., 87 Richardson Street, Brooklyn, New York; Men's Slack Coats; 5 percent (T); April 27, 1942.

Sport Products, Inc., 1820 John Street, Cincinnati, Ohio; Sportswear; 5 learners (T); January 12, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

American Pants Manufacturing Company, 306 E. Main Street, Carbondale, Illinois; Trousers; 10 percent (T); January 12, 1943.

Angelica Jacket Company, 1421 Olive Street, St. Louis, Missouri; Washable Service Apparel; 50 learners (E); June 1, 1942.

Alpheus Aughinbaugh, Etters P. O., Goldsboro, Pennsylvania; Flannel Shirts; 10 percent (T); January 12, 1943.

B. C. Undergarment Company, Strawberry Avenue, Bloomsburg, Pennsylvania; Ladies' Gowns; 4 learners (T); April 27, 1942.

The Bayly-Underhill Manufacturing Company, 1319 S. E. Union Avenue, Portland, Oregon; Overalls; 10 percent (T); 25 cents an hour for the first 200 hours, 30 cents an hour for the next 200 hours, and 35 cents an hour for the remaining 80 hours; January 12, 1943.

The Bloomfield Company, 115 Schroyer Avenue, S. W., Canton, Ohio; Ladies' Dresses; 10 percent (T); January 12, 1943.

H. Bomze and Brother, Laurel, Delaware; Women's and Misses' Rayon and Cotton Dresses; 10 percent (T); January 12, 1943.

Brook Manufacturing Company, 300 Brook Street, Scranton, Pennsylvania; Pants and Knickers; 10 percent (T); January 12, 1943.

Brownstein-Louis Company, 1228 San Julian Street, Los Angeles, California; Shirts, Pants and Overalls; 10 Percent (T); January 12, 1943.

Clinton Garment Company, 906 S. 3rd Street, Clinton, Iowa; Dresses; 10 percent (T); January 12, 1943.

J. W. Coon, 1126 S. Western Avenue, Los Angeles, California; Ladies' & Children's Sportswear; 3 learners (T); January 12, 1943.

Crimi's Dress Shop, Main Street, Highland, New York; Dresses; 3 learners (T); January 12, 1943.

The Drybak Corporation, 67 Frederick Street, Binghamton, New York; Trousers; 10 percent (T); January 12, 1943. (This certificate replaces one issued bearing expiration date of February 13, 1942.)

Fuller Uniform Company, 2009½ Main Street, Dallas, Texas; Uniforms; 4 learners (T); January 12, 1943.

Gainesville Dress Manufacturing Company, Gainesville, Texas; Dresses and Slacks; 10 learners (T); January 12, 1943.

The Industrial Garment Manufacturing Company, Logan Street, Middleport, Ohio; Coveralls; 5 learners (T); January 12, 1943.

Iron King Overall Company, 113 South Hanover Street, Baltimore, Maryland; Overalls and Pants; 5 learners (T); January 12, 1943.

Juniors, Incorporated, 860 S. Los Angeles Street, Los Angeles, California; Children's Sportswear; 1 learner (T); January 12, 1943.

A. F. Keating Company, 304 N. Franklin Street, Decatur, Illinois; Dresses; 10 learners (T); January 12, 1943.

S. Kellner and Sons, 361 Stagg Street, Brooklyn, New York; Men's and Boys' Sleeping Wear; 10 percent (T); June 1, 1942.

Mar-Ann Dress Company, Inc., 120 N. State Street, Ephrata, Pennsylvania; Children's Dresses; 10 percent (T); January 12, 1943.

Marshall Clothing Manufacturing Company, 501 S. Broadway, Butler, Indiana; Basketball Pants, Jackets, Ladies' Blouses; 4 learners (T); January 12, 1943.

Mary Emma Manufacturing Company, Second Avenue, Kingston, Pennsylvania; Aprons, Dresses; 2 learners (T); January 12, 1943.

Milady Brassiere and Corset Company, Inc., 6 East 32nd Street, New York, N. Y.; Corsets and Brassieres; 10 learners (T); April 27, 1942.

Mitchell Garment Factory, Farmville, Virginia; Children's Wash Dresses; 10 percent (T); January 12, 1943.

Russell-Newman Manufacturing Company, Denton, Texas; Ladies' & Children's Underwear; 6 learners (T); January 12, 1943.

Saint Clair Garment Company, 201 S. Morris Street, Saint Clair, Pennsylvania; Dresses; 10 percent (T); January 12, 1943.

Snelbaker Manufacturing Company, Adams County, York Springs, Pennsylvania; Work Shirts; 10 learners (T); January 12, 1943.

Strauber Brothers, 483 Broadway, New York, N. Y.; Slips and Pajamas; 8 learners (T); April 27, 1942.

Williamstown Shirt Manufacturing Company, Poplar Street, Williamstown, New Jersey; Blouses; 5 learners (T); January 12, 1943.

Gloves

James Churchill Glove Company, 113 W. Maple Street, Centralia, Washington; Work Gloves; 5 learners (T); January 12, 1943.

Jasper Glove Company, Inc., 611 Main Street, Jasper, Indiana; Work Gloves; 10 learners (E); July 12, 1942.

Van Raalte Company, Inc., 416 Main Street, Dunkirk, New York; Knit Fabric Gloves; 5 percent (T); January 12, 1943.

Hosiery

H. W. Anthony Company, Strausstown, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 12, 1943.

Browning Hosiery Mills, Inc., Bridgeport, Alabama; Seamless Hosiery; 20 learners (E); September 12, 1942.

Claussner Hosiery Company, 2nd and Tennessee Street, Paducah, Kentucky; Full Fashioned Hosiery; 30 learners (E); July 12, 1942.

Claussner Hosiery Company, 28th and Adams, Paducah, Kentucky; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Claussner Hosiery Company, Second and Tennessee Street, Paducah, Kentucky; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Fleetwood Hosiers Ltd., 1238 Locust Street, Reading, Pennsylvania; Seamless Hosiery; 5 learners (T); January 12, 1943.

Glen Raven Knitting Mills, Altamahaw, North Carolina; Full Fashioned Hosiery; 10 learners (E); September 12, 1942.

Glen Raven Knitting Mills, Altamahaw, North Carolina; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Norris Hosiery Mill, Bell Buckle, Tennessee; Seamless Hosiery; 4 learners (T); January 12, 1943.

Silver Knit Hosiery Mills, Inc., 401 S. Hamilton Street, High Point, North Carolina; Seamless Hosiery; 10 percent (T); January 12, 1943. (This certificate replaces one issued bearing expiration date of November 24, 1942.)

Strutwear Knitting Company, 1015 6th Street, S., Minneapolis, Minnesota; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Veitel Hosiery Company, 26 West Main Street, Le Roy, New York; Full Fashioned Hosiery; 9 learners (E); September 12, 1942.

West Chester Hosiery Mills, Inc., Lincoln and Garfield Streets, West Chester, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 12, 1943.

Independent Branch of the Telephone Industry

The Osage Telephone Company, Osage City, Kansas; to employ learners as commercial switchboard operators at its Osage City Exchange, Osage City, Kansas, until January 12, 1943.

Rhineland Telephone Company, 45 North Stevens Street, Rhineland, Wisconsin; to employ learners as commercial switchboard operators at its Rhineland Exchange, Rhineland, Wisconsin, until January 12, 1943.

Knitted Wear

Robinhold and Company, Penn Street, Port Clinton, Pennsylvania; Knitted Underwear; 2 learners (T); January 12, 1943.

Sport Products, Inc., 1820 John Street, Cincinnati, Ohio; Knitted Underwear; 5 learners (T); January 12, 1943.

Utica Knitting Company, Mill No. 1, 1712 Erie Street, Utica, New York; Knit-

ted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 2, 607 Schuyler Street, Utica, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 3, Oriskany Falls, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 6, 700 Whitesboro Street, Utica, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 9, Anniston, Alabama; Knitted Underwear; 5 percent (T); January 12, 1943.

Millinery

Adler Manufacturing Company, 19 Townsend Street, Port Chester, New York; Popular-Priced Millinery; 5 learners (E); July 12, 1942.

Textile

Claussner Hosiery Company, 11th and Jefferson Streets, Paducah, Kentucky; Silk, Cotton, Nylon; 5 learners (T); January 12, 1943.

Quisset Mill, 56 Prospect Street, New Bedford, Massachusetts; Cotton and Rayon Yarn and Thread; 3 percent (T); January 12, 1943.

The Rhode Island Mills Company, 68 Hadwin Street, Central Falls, Rhode Island; Bath Mats; 3 learners (T); January 12, 1943.

Signed at Washington, D. C., this 12th day of January 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-299; Filed, January 12, 1942; 11:53 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 709, 423]

IN THE MATTER OF (1) THE TEMPORARY AMENDMENT OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF EASTERN AIR LINES, INC., FOR ROUTE NOS. 10 AND 40, AND OF PENNSYLVANIA-CENTRAL AIRLINES CORPORATION FOR ROUTE NO. 55, TO INCLUDE HUNTSVILLE, ALABAMA AS AN INTERMEDIATE POINT UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED; and (2) THE APPLICATION OF EASTERN AIR LINES, INC., FOR A PERMANENT OR TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

Please take notice, pursuant to the Civil Aeronautics Act of 1938, as amended particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing is hereby assigned to be held January 12, 1942, at 10 a. m. (eastern standard time) in Conference Room C, Departmental Auditorium, Con-

stitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., January 9, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-286; Filed, January 12, 1942;
10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-107]

IN THE MATTER OF THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January A. D. 1942

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Western Public Service Company, a Maryland corporation and a subsidiary company of Engineers Public Service Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Western Public Service Company, a registered holding company, has filed an application pursuant to section 5 (d) of said Act for an order that it has ceased to be a holding company. The Application states that Applicant no longer has any assets and was dissolved and entirely liquidated on January 2, 1942. On December 29, 1941 this Commission issued its findings and order concerning the disposition by Engineers Public Service Company of the greater part of its interest in The Western Public Service Company to Consumers Public Power District, The Western Public Service Company and Engineers Public Service Company, File No. 70-453, Holding Company Act releases nos. 3230 and 3245, and in connection with such disposition Applicant was dissolved.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 19, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N.W., Washington, D. C. On such day the hearing-room clerk in Room 1102 will

advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

Whether or not The Western Public Service Company, a Maryland corporation, is entitled to such order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-274; Filed, January 10, 1942;
11:50 a. m.]

[File No. 70-454]

CONTINENTAL GAS & ELECTRIC CORPORATION AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, APPLICANTS

ORDER PERMITTING WITHDRAWAL OF APPLICATION AND DECLARATION PURSUANT TO REQUEST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January 1942.

Continental Gas & Electric Corporation and Iowa-Nebraska Light and Power Company having filed on December 8, 1941 a combined application and declaration regarding the sale by Iowa-Nebraska Light and Power Company of \$544,000 principal amount of 5% First Mortgage Bonds of The Lincoln Traction Company to Continental Gas & Electric Corporation for the sum of \$275,000 in cash; and

The Commission having issued its Notice of Filing pursuant to Rule U-23 on December 12, 1941; and no request having been received for a public hearing thereon; and

Continental Gas & Electric Corporation and Iowa-Nebraska Light and Power Company having on January 7, 1942 requested a withdrawal of said combined application and declaration,

It appearing to the Commission that said request for withdrawal may appropriately be granted;

The Commission hereby consents to the withdrawal of said application and declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-275; Filed January 10, 1942;
11:50 a. m.]

IN THE MATTER OF STANDARD ASSOCIATED INTERESTS, INC., 100 EAST 42D STREET, NEW YORK, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

Standard Associated Interests, Inc., a New York corporation, hereinafter called the registrant, being registered with the Commission as an over-the-counter broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934; and

The Commission having issued an order stating that information had been reported to the Commission tending to show that registrant was permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on or about August 7, 1941, from engaging in and continuing certain acts and practices in connection with the purchase and sale of securities, and setting a hearing on the question whether the registration of the registrant should be suspended or revoked; and

The registrant, through its president, George S. Caplan, having acknowledged receipt and service of adequate notice of the proceeding, having admitted the truth of the material allegations set forth in the Commission's order, and having consented in writing to the revocation of its registration; and the Commission having duly considered the matter and being fully advised in the premises, and having found that Standard Associated Interests, Inc., and George S. Caplan, its president, were permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on August 7, 1941, from engaging in and continuing certain acts and practices in connection with the purchase and sale of securities, and that revocation of the registration of the registrant is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Standard Associated Interests, Inc., be, and the same hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-292; Filed, January 12, 1942;
11:31 a. m.]

[File No. 70-482]

IN THE MATTER OF CUPPLES STATION LIGHT,
HEAT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 10th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than January 26, 1942 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to

said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Cupples Station Light, Heat and Power Company, the Applicant, is a wholly owned subsidiary company of Union Electric Company of Missouri, which is a registered holding company under the Public Utility Holding Company Act of 1935. The Applicant proposes, after the completion of the sale of its distribution system to Union Electric Company of Missouri and the reduction in par value of its 10,000 shares of capital stock from \$100 per share to 50¢ per share, to declare a partial liquidating dividend to Union Electric Company of Missouri in the amount of \$565,599.07, which is equal to the sum of (a) \$90,996.66, the price to be

received from the sale of the distribution system, (b) \$435,054.76, the amount which the Applicant now has as an account receivable from Union Electric Company of Missouri (repayment of which will be made just prior to the payment of such dividend), and (c) \$42,547.65, the amount of cash which the Applicant has on hand and in bank exclusive of \$3,000, which is estimated to be required by it for taxes and other expenses incident to its final disposition.

The Applicant states that after the consummation of the proposed transaction, its remaining assets will consist of a small amount of cash and a parcel of real estate in St. Louis County, Missouri, suitable for residential purposes and that its corporate name and its purposes will be changed so that it will then be merely a real estate company which could be disposed of when a suitable opportunity occurs.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-293; Filed, January 12, 1942;
11:31 a. m.]